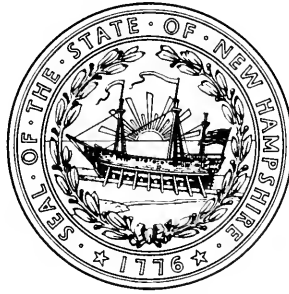


UNH

NEW HAMPSHIRE GENERAL COURT



JOURNAL of the **HOUSE OF REPRESENTATIVES**

**Containing the 2005 Session
December 1, 2004
through
November 16, 2005**

**W. DOUGLAS SCAMMAN
SPEAKER**

**KAREN O. WADSWORTH
CLERK**

**DEBORAH NIELSEN
SERGEANT-AT-ARMS**

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HOUSE JOURNAL No. 1

Wednesday, December 1, 2004

On the first Wednesday in December in the year of our Lord, two thousand four, it being the day designated by the Constitution for assembling, the one hundred and fifty-ninth General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives-elect were called to order by Karen O. Wadsworth, Clerk of the House for the preceding session.

Rep.-elect Frances Potter offered the following prayer:

Holy and gracious God, Creator of all that is seen and unseen, we offer our thanks this morning for the beauty and resources of our State and for the trust of its people who have sent us here as their representatives.

We pray for the protection of all people who may be in harm's way at home and overseas. We pray for Your guidance as we take counsel together that all that we do may be worthy of Your blessing. Amen.

Rep.-elect Eugene W. Kelly, Jr. led the Pledge of Allegiance.

The National Anthem was sung by Holly Winchell, a student at Plymouth State College and daughter of Rep.-elect George Winchell.

CALL OF THE ROLL BELKNAP COUNTY (18)

- Dist. No. 1 (1)** Fran Wendelboe, r
Dist. No. 2 (2) Gail Morrison, d; William B. Tobin, r
Dist. No. 3 (2) Bruce D. Heald, r; Stephen H. Nedeau, r
Dist. No. 4 (5) James M. Fitzgerald, r; Donald H. Flanders, r; Ralph J. Rosen, r;
Franklin T. Tilton, r; John A. Veazey, r
Dist. No. 5 (7) Janet F. Allen, r; Laurie J. Boyce, r; Charles L. Clark, r; Alida Millham, r&d;
James P. Pilliod, r; John H. Thomas, r; Michael D. Whalley, r
Dist. No. 6 (1) David H. Russell, r

CARROLL COUNTY (14)

- Dist. No. 1 (4)** Carolyn A. Brown, r; Tom Bucu, d; Gene G. Chandler, r;
Howard C. Dickinson, r
Dist. No. 2 (1) Donald R. Philbrick, r
Dist. No. 3 (3) David L. Babson, Jr., r; Mark E. McConkey, r; Harry C. Merrow, r
Dist. No. 4 (4) Christopher Ahlgren, r; J. David Knox, r; Betsey L. Patten, r;
Stanley E. Stevens, r
Dist. No. 5 (2) James R. Martin, r; J. Lisbeth Olimpio, r

CHESHIRE COUNTY (24)

- Dist. No. 1 (1)** William V. Chase, d
Dist. No. 2 (3) Daniel A. Eaton, d; John M. Pratt, d; Sheldon S. Sawyer, r
Dist. No. 3 (7) Suzanne S. Butcher, d; J. Timothy Dunn, d; Peter S. Espieffs, d;
Kris Edward Roberts, d; Timothy N. Robertson, d; Stephanie C. Sinclair, d;
Charles F. Weed, d
Dist. No. 4 (4) William Butynski, d; Deborah J. Hogancamp, r; Henry A.L. Parkhurst, d;
Stanley S. Plifka, Jr., d
Dist. No. 5 (1) Barbara Hull Richardson, d
Dist. No. 6 (4) Peter H. Allen, d; Judson K. Dexter, r; Sheila A. Foote, r; Anna Tilton, d
Dist. No. 7 (4) Susan Emerson, r; John B. Hunt, r; Bonnie Mitchell, d; Stephen T. Pelkey, r

COOS COUNTY (11)

- Dist. No. 1 (2)** Frederick W. King, r&d; Eric G. Stohl, r&d
Dist. No. 2 (4) Scott A. Merrick, d; William Remick, r; Herbert D. Richardson, r;
John E. Tholl, Jr., r

- Dist. No. 3 (1)** Bruce S. Lary, r
Dist. No. 4 (4) Bernard E. Buzzell, d; Edgar H. Mears, d; Renney Morneau, r;
 Robert L. Theberge, d

GRAFTON COUNTY (26)

- Dist. No. 1 (2)** Stephanie Eaton, r; John L. Ward, r
Dist. No. 2 (1) Martha Stroup McLeod, d
Dist. No. 3 (2) Edmond D. Gionet, r; Gregory M. Sorg, r
Dist. No. 4 (1) elected, not sworn
Dist. No. 5 (2) Robert J. Giuda, r&d; Paul C. Ingbretson, r
Dist. No. 6 (2) John R.M. Alger, r; Robert R. Barker, r
Dist. No. 7 (2) Mary R. Cooney, d; Debra A. Naro, r&d
Dist. No. 8 (3) Andrew L. Dorsett, r; Margie Maybeck, r; elected, not sworn
Dist. No. 9 (4) Bernard L. Benn, d; Ruth Z. Bleyler, d; elected, not sworn; Hilda W. Sokol, d
Dist. No. 10 (3) Paul Mirski, r; Catherine Mulholland, d; Peter E. Solomon, d
Dist. No. 11 (4) Susan W. Almy, d; Gene F. Anderson, d; Lee M. Hammond, d;
 A. Laurie Harding, d

HILLSBOROUGH COUNTY (123)

- Dist. No. 1 (3)** James M. Carew, r; Larry G. Elliott, r; David E. Essex, d
Dist. No. 2 (2) Jarvis M. Adams, r; Claudia A. Chase, d
Dist. No. 3 (4) Donald Carlson, r; Mark S. Carter, r; Anne-Marie Irwin, d; Lawrence C. Ross, r
Dist. No. 4 (4) Pamela D. Coughlin, r; Linda T. Foster, d; Robert D. Mead, r;
 William L. O'Brien, r
Dist. No. 5 (4) Richard B. Drisko, r; Carolyn M. Gargas, r; Betty B. Hall, d; Donald F. Ryder, r
Dist. No. 6 (8) Peter F. Bergin, r&d; Cynthia J. Dokmo, r&d; Ryan N. Hansen, r;
 Tim O'Connell, r&d; Robert H. Rowe, r&d; Lee G. Slocum, r;
 Stephen B. Stepanek, r; James E. Wheeler, r
Dist. No. 7 (8) Stephen A. Baines, r; Larry A. Emerton, r&d; Randolph N. Holden, r&d;
 Bruce F. Hunter, r; Neal M. Kurk, r&d; Pamela V. Manney, r&d;
 Karen K. McRae, r; elected, not sworn
Dist. No. 8 (3) Jeff Goley, d; Christopher C. Pappas, d; Sandra J. Reeves, r
Dist. No. 9 (3) James W. Craig, d; William M. Golding, r; Saghir A. Tahir, r
Dist. No. 10 (3) William K. Clayton, d; Fran M. Egbers, d; Peter M. Sullivan, d
Dist. No. 11 (3) Caitlin Daniuk, d; Leo P. Pepino, r; Kathleen F. Souza, r
Dist. No. 12 (3) Eric Palangas, d; Francis B. Sullivan d&r; Hector M. Velez, d&r
Dist. No. 13 (3) Jeffrey S. Aboshar, r; Benjamin C. Baroody, d; William J. Infantine, r
Dist. No. 14 (3) Vivian J. Desmarais, r; Patrick F. Garrity, d; Robert J. Haley, d
Dist. No. 15 (3) Mike Biundo, r; Betsi L. DeVries, d; J. Steve Vaillancourt, r
Dist. No. 16 (3) J. Gail Barry, r; Maurice L. Pilotte, d&r; Barbara E. Shaw, d
Dist. No. 17 (8) Jane E. Beaulieu, d; Paul A. Brassard, d; Robert F. Chabot, r;
 Carlos E. Gonzalez, r; Barbara J. Hagan, r; Raymond R. Hebert, r;
 Keith D. Hirschmann, r; Irene M. Messier, r
Dist. No. 18 (6) Mark S. Clark, r; John A. Graham, r; Ken Hawkins, r; elected, not sworn;
 Michael J. Scanlon, r; Morris Villeneuve, r
Dist. No. 19 (8) Peter L. Batula, r; elected, not sworn; D.L. Chris Christensen, r;
 Nancy J. Elliott, r; John M. Gibson, r; Peyton B. Hinkle, r;
 Robert J. L'Heureux, r; Maureen C. Mooney, r
Dist. No. 20 (3) Ruth Ginsburg, d; Eugene W. Kelly, Jr. r; Anthony P. Matarazzo, d
Dist. No. 21 (3) Michael A. Balboni, r; elected, not sworn; Suzanne Harvey, d
Dist. No. 22 (3) Lori A. Movsesian, d; Cindy Rosenwald, d; elected, not sworn
Dist. No. 23 (3) David E. Cote, d; Mary J. Gorman, d; Eric P. Rochette, d
Dist. No. 24 (3) David B. Campbell, d&r; Jane A. Clemons, d; Roland J. Lefebvre, d
Dist. No. 25 (3) Peter R. Cote, d; Claudette R. Jean, d; Stephen Michon, d
Dist. No. 26 (10) Nelson S. Allan, r; Donald J. Dyer, r; Bea Francoeur, r; Paula I. Johnson, d;
 Angeline A. Kopka, d; Bette R. Lasky, d; Mary Ellen Martin, d;
 Pamela G. Price, r; Joan H. Schulze, d; Kimberly C. Shaw, d

Dist. No. 27 (13) Jean-Guy Bergeron, r; Ralph G. Boehm, r; David L. Buhlman, r; Leon C. Calawa, Jr., r; Lars T. Christiansen, r, elected, not sworn; Stephen D. Hellwig, r; Shawn N. Jasper, r; James H. Lawrence, r; Rudy Lessard, r; Lynne M. Ober, r; Andrew Renzullo, r; Jordan Ulery, r

MERRIMACK COUNTY (44)

Dist. No. 1 (2) Robert A. Foose, d; David H. Kidder, r
Dist. No. 2 (3) Dennis Reed, r; Jim Ryan, d; Herbert F. Whiting, r
Dist. No. 3 (1) Patricia McMahon, d
Dist. No. 4 (3) Christine C. Hamm, d; Richard E. Kennedy, r; Derek Owen, d
Dist. No. 5 (2) David P. Currier, r; Barbara C. French, d
Dist. No. 6 (6) elected, not sworn; d; James William Danforth, r; Priscilla P. Lockwood, r; Roy D. Maxfield, r; Joy K. Tilton, d; Frank Tupper, d
Dist. No. 7 (3) William D. Field, r; Vincent E. Greco, d; Deanna P. Rush, d&r
Dist. No. 8 (4) John Klose, r; Thomas J. Langlais, r; Tony F. Soltani, r; Charles B. Yeaton, d
Dist. No. 9 (4) David W. Hess, r; Stephen R. L'Heureux, r; Richard Marple, r; James H. Oliver, r
Dist. No. 10 (4) Elizabeth D. Blanchard, r; Mary Stuart Gile, d; Frances D. Potter, d; Steve Shurtleff, d
Dist. No. 11 (5) Candace C.W. Bouchard, d; John DeJoie, d; James R. MacKay, r; Tara G. Reardon, d; Robert W. Williams, d
Dist. No. 12 (4) Donald A. Brueggemann, d; Elizabeth S. Hager, r; Jessie L. Osborne, d; Mary Jane Wallner, d
Dist. No. 13 (3) Eric Anderson, r; Stephen T. DeStefano, d; elected, not sworn

ROCKINGHAM COUNTY (90)

Dist. No. 1 (5) Elbert I. Bicknell, r; Harriet E. Cady, r; Robert A. Johnson, r; Rudolph J. Kobel, r; Joseph E. Stone, r
Dist. No. 2 (3) Franklin C. Bishop, r; Robert W. Forsing, r; Norman E. Weldy, Jr., r
Dist. No. 3 (9) Sharon M. Carson, r&d; Dudley D. Dumaine, r; James F. Headd, r; Karen K. Hutchinson, r; Robert E. Introne, r; Betsy McKinney, r; Sherman A. Packard, r; Benjamin E. Parker, r; Paul C. Smith, r
Dist. No. 4 (13) Ronald J. Belanger, r; David J. Bettencourt, r; James B. Coburn, r; Richard T. Cooney, r; Janean A. Dalrymple, r; Anthony R. DiFruscia, r; Christopher L. Doyle, r; Mary E. Griffin, r; Russell F. Ingram, r; John J. Manning, r; Charles E. McMahon, r; Anne K. Priestley, r; Kevin K. Waterhouse, r
Dist. No. 5 (11) John P. Dowd, r; Patricia Dowling, r; Bob M. Fesh, r; Kenneth H. Gould, r; Paul R. Hopfgarten, r; George N. Katsakiores, r; Phyllis M. Katsakiores, r; Howie Lund, r; James B. Rausch, r; Robert W. Wiley, r; William R. Zolla, r
Dist. No. 6 (2) James Michael Garrity, r&d; George D. Winchell, r&d
Dist. No. 7 (4) Michael B. Asselin, r; Gene P. Charron, r&d; Richard K. Donahue, r; Elisabeth N. Sanders, r
Dist. No. 8 (7) Kevin L. Camm, r; John W. Flanders, Sr., r; Norman L. Major, r&d; Ed M. Putnam II, r&d; David A. Welch, r; elected, not sworn; Kenneth L. Weyler, r
Dist. No. 9 (3) elected, not sworn; Daniel C. Itse, r; Ron Nowe, r
Dist. No. 10 (1) Donald R. Buxton, r
Dist. No. 11 (2) Mary M. Allen, r; Kimberley S. Casey, d
Dist. No. 12 (3) Dennis F. Abbott, d&r; Karl I. Gilbert, r; Marcia G. Moody, d
Dist. No. 13 (8) Eileen C. Flockhart, d; Rogers J. Johnson, r; April H. Mason, r; Marshall Lee Quandt, r; Matthew J. Quandt, r; Carl G. Robertson, r&d; W. Douglas Scamman, r; Stella Scamman, r
Dist. No. 14 (4) Benjamin E. Moore, r; Richard W. Morris, r; Frank Palazzo, r; E. Albert Weare, r
Dist. No. 15 (5) Russell D. Bridle, r; Sheila T. Francoeur, r; Thomas J. Gillick, r; Michael O'Neil, r; Nancy F. Stiles, r

- Dist. No. 16 (7)** MaryAnn N. Blanchard, d; Terie N. Norelli, d; Laura C. Pantelakos, d; Jacqueline A. Cali-Pitts, d; James F. Powers, d; Christopher Serlin, d; James R. Splaine, d
- Dist. No. 17 (1)** James G. Rolston, r
- Dist. No. 18 (2)** Daniel M. Hughes, r; Jane S. Langley, r

STRAFFORD COUNTY (37)

- Dist. No. 1 (9)** Russell A. Albert, r; Julie M. Brown, r; Frank D. Callaghan, d; Irene T. Creteau, d; Patricia C. Dunlap, r; Anne C. Grassie, d; Sandra B. Keans, r; Clifford A. Newton, r; James E. Twombly, r
- Dist. No. 2 (5)** Roger R. Berube, d; Richard F. Heon, d&r; Dana S. Hilliard, d; Michael S. Rollo, d; Clair A. Snyder, d&r
- Dist. No. 3 (8)** David A. Bickford, r; W. Packy Campbell, r; Sam A. Cataldo, r; Duncan D. Chaplin, r; Jacalyn Cilley, d; Timothy E. Easson, r; elected, not sworn-see Communications; Nancy K. Johnson, d
- Dist. No. 4 (3)** Peter B. Schmidt, d; elected, not sworn; Kathleen N. Taylor, d
- Dist. No. 5 (3)** Jennifer M. Brown, d; Baldwin Domingo, d; Jeffrey D. Hollinger, r
- Dist. No. 6 (3)** Earle Goodwin, d; Roland P. Hofemann, d; William V. Knowles, d
- Dist. No. 7 (6)** Naida Kaen, d; Joseph M. Miller, d; Emma L. Rous, d; Marjorie K. Smith, d; Judith T. Spang, d; Janet G. Wall, d&r

SULLIVAN COUNTY (13)

- Dist. No. 1 (2)** elected, not sworn; Charlotte Houde Quimby, d
- Dist. No. 2 (3)** Peter E. Franklin, d; Arthur G. Jillette, Jr., d&r; Beverly T. Rodeschin, r
- Dist. No. 3 (1)** Harry S. Gale, Jr., r
- Dist. No. 4 (5)** John R. Cloutier, d&r; Larry Converse, d&r; Thomas E. Donovan, d&r; elected, not sworn-see Communications; Christopher R. Irish, r
- Dist. No. 5 (2)** Brenda L. Ferland, d; James G. Phinizy, d&r

With 384 members-elect having answered the call of the roll, a quorum was declared present.

COMMUNICATIONS

November 24, 2004

Karen Wadsworth, Clerk of the House

Dear Clerk Wadsworth:

For medical reasons, I am unable to accept the seat from Sullivan District 4 to which I was recently elected.

Sandra and I are deeply grateful to you, Speaker Chandler, and many, many members for your prayers and good wishes following our accident. We shall always remember the friends we made during our two terms here.

It was an honor and a privilege to serve the people of New Hampshire in this great House.

Sincerely, Rep. Joseph D. Harris, Sullivan 4

November 24, 2004

Karen O. Wadsworth, Clerk of the House

Ms. Wadsworth:

On November 10, 2004, I was confirmed by the Executive Council as a Public Utilities Commissioner for the State of New Hampshire. Accepting this position requires that I do not accept the seat in the House for which I was elected on November 2, 2004.

By this letter, I am therefore notifying you that I will not accept the seat or serve as a state representative for the State of New Hampshire from Strafford District 3 for the term beginning December 1, 2004.

My last four years in the House of Representatives have been some of the most rewarding in my life. I look forward to working with you and the entire House in my new position as Public Utilities Commissioner.

Sincerely, Rep. Michael D. Harrington,
Strafford 3

NOTIFICATIONS OF ABSENCE

The following representatives-elect notified the Clerk of their absence for the day:

Reps.-elect Claire Clarke, Dodge, Goyette, Moran, Nordgren, Prichard, David Smith, Katherine Taylor, Wells, Robert Wheeler and Burton Williams.

RESOLUTION

Reps.-elect Craig, Douglas Scamman, Weyler and Whalley offered the following:

RESOLVED, that a committee be appointed to wait upon the Governor and the Honorable Council to inform them that a quorum of the House is assembled and requests their attendance.

Adopted.

The Chair appointed the following: Reps.-elect Howard C. Dickinson, Robert A. Johnson and Roland J. Lefebvre.

INTRODUCTION OF GUESTS

Harold Maybeck, Arva and Roger Gage, husband, sister and brother-in-law of Rep.-elect Maybeck. Sarah and Justin Olkkola, Penny Curtis, daughter, son-in-law and guest of Rep.-elect Knox. Anne and Ned Martin, Ron Murray, guests of Rep.-elect James Martin. Gerald W. Parker, husband of Rep.-elect Emerson. Peter A. Mason, husband of Rep.-elect Harding. Chris and Ann Pinkham, guests of Reps.-elect Stella Scamman and Douglas Scamman. Joan, Anthony, Amy and Anthony, Maria and Gelsa Matarazzo, and Rick Coutoure, wife, daughter, and son, father and sisters and nephew of Rep.-elect Matarazzo. Lois and Dan Wells, mother and son of Rep.-elect Wells. David and Mary Battey, guests of Rep.-elect Moody. Dr. and Mrs. Khnan Chong, guests of Rep.-elect Bruce Heald. Alexander Lee, guest of Rep.-elect Sinclair. Martin Andersen, husband of Rep.-elect Mitchell. William Quimby, husband of Rep.-elect Quimby. Matthew and Jeremiah Brown and Timothy Granfield, husband, son and guest of Rep.-elect Jennifer Brown. James Hogancamp and William Albrecht IV, husband and guest of Rep.-elect Hogancamp. Ann and Suzann Chaplin and Jean Johnston, wife and daughters of Rep.-elect Chaplin. Bruce and Joshua Cilley, husband and son of Rep.-elect Cilley. Bonnie Hebert and Mr. and Mrs. Henry St. Laurent, wife and parents of Rep.-elect Hebert. Anne, Christen and Michael Scanlon, and Charlene Dalrymple, wife, daughter, son, and mother-in-law of Rep.-elect Scanlon. Suzanne Whiting, wife of Rep.-elect Whiting. Gene Kelly, Sr., Tammy Kelley and Hon. Tom Magee, parents and guest of Rep.-elect Kelly, Jr. Pamela and Amy Remick, wife and daughter of Rep.-elect Remick. Victor Schulze, husband of Rep.-elect Schulze. Barbara Hurley, guest of Rep.-elect Tupper. Maryann Baines, wife of Rep.-elect Baines. Sandi and Joan Aboshar, wife and mother of Rep.-elect Aboshar. Sydni, Michael, Ashley, Franklin and Katelin Garrity, Mary P. Garrity, Kathleen LaFond, Patricia Blake and Joseph Garrity, wife, children, mother, sisters and brother of Rep.-elect James Garrity. Robin, Michael and Amanda Biundo; wife, son and daughter of Rep.-elect Biundo. Linda, Katie and Evan DeJoie; Wellington P. Bartels IV; and Hon. Gloria Seldin, wife, daughter, son and guests of Rep.-elect DeJoie. Eugene and Joan Mooney, Margaret Roy and Loretta Edmonds, Christie and Elise Roy and Jessica Edmonds, parents, sisters and nieces of Rep.-elect Mooney. Susan and Amanda Mead, Kathleen Bonnell and Lucille Mead, wife, daughters and mother of Rep.-elect Mead. Eugena and Chris Winchell and Heather Bouchard, wife, son and daughter of Rep.-elect Winchell. Eva Powers, Marvin and Norma Lesser; wife and guests of Rep.-elect Powers. John, Nancy, Kyle and Cameron Clayton, and Debra Beauchesne; brother, sister, sons and guest of Rep.-elect Clayton. Beth Rolston and Sue Foster, wife and guest of Rep.-elect Rolston. The Dennis Gillick family, guests of Rep.-elect Gillick. John Kopka III and Brittany Bolduc, son and guest of Rep.-elect Kopka. Dick Foote, husband of Rep.-elect Foote. Christina Tilton-Howe, Matthew and Jordan MacKenzie-Howe, daughter, grandson and granddaughter of Rep.-elect Joy Tilton. Sherry, Monica and Brad Wiley and Judith Wiley, wife, daughter, son and mother of Rep.-elect Wiley. Laura Irish, wife of Rep.-elect Irish. Gloria Pilotte, wife of Rep.-elect Pilotte. Robert G. Shaw, Jr. and Timothy Nickerson, husband and guest of Rep.-elect Kimberly Shaw. Pearl and Darren Lyman, Jeremy and Brandon Lyman, daughter, son-in-law and grandsons of Rep.-elect Pantelakos. Judith Besette, cousin of Rep.-elect Buco. Rick Welch, Elena Wilson, Shannon O'Neil, Vicki Williams, Nell Conkright, Karen Day and Fred Lenox; husband, daughter and guests of Rep.-elect Claudia Chase. Elsie Domingo and Josie Janz, wife and guest of Rep.-elect Domingo. Dorrie and Amanda Quandt, guests of Reps.-elect Lee Quandt and Matthew Quandt. Melodye Smith, mother of Rep.-elect Paul Smith. Cheryl Cataldo and Sandy Payne, wife and sister-in-law of Rep.-elect Cataldo. Lois Hofemann,

wife of Rep.-elect Hofemann. Hon. Deanna Rollo, mother of Rep.-elect Rollo. Alice Vasil, Alexis Daniuk, Anthony Botticello, Christen and Steven LaRocca, Joann and Peter Gwinne, Shannon and Michael Rondeau and Hon. Raymond Buckley, guests of Rep.-elect Daniuk. James Doggett, son of Rep.-elect Mary Allen. Kathleen Sullivan DiFruscia, guest of Rep.-elect DiFruscia. Hon. Janet Fortnam, Mr. and Mrs. Robert Baxter, and Patricia Manseau, guests of the Pembroke/Chichester delegation. John Coughlin, Edward and Paul Shea, husband, father and brother of Rep.-elect Coughlin. David and Sandra Bettencourt, father and mother of Rep.-elect Bettencourt. Hon. Greg Carson, husband of Rep.-elect Carson. Larry Brown and Bob Perry, guests of Rep.-elect Nancy Johnson. Dr. John Shurtleff, guest of Rep.-elect Shurtleff. Joanne, Michael and Emily, wife, son and daughter of Rep.-elect Thomas Langlais.

OATH OF OFFICE

Governor Craig Benson, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Raymond J. Wiczorek and David K. Wheeler. The members-elect, having presented their credentials, were duly qualified by the Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution of the State of New Hampshire.

The Governor and Executive Councilors retired.

ELECTION OF HOUSE SPEAKER

The Chair declared that nominations for Speaker were in order.

Rep. Sheila Francoeur placed the name of Rep. Michael D. Whalley in nomination for Speaker. Reps. Bicknell and Anderson seconded the nomination.

Rep. DeJoie placed the name of Rep. James W. Craig in nomination for Speaker. Reps. Phinizy and Daniel Eaton seconded the nomination.

Rep. Craig spoke in favor of his nomination.

Rep. O'Neil placed the name of Rep. W. Douglas Scamman in nomination for Speaker. Reps. Hager and King seconded the nomination.

Rep. Scamman spoke in favor of his nomination.

Rep. Jasper placed the name of Rep. Kenneth L. Weyler in nomination for Speaker. Reps. Asselin and Hagan seconded the nomination.

Rep. Weyler spoke in favor of his nomination

There being no further nominations, the Chair declared nominations closed.

After the nominations were closed, the Chair, at the request of the candidates, named Reps. Irwin and Daniel Eaton as tellers for Rep. Craig; Reps. Lockwood and Kidder as tellers for Rep. Scamman; Reps. Jasper and Nowe as tellers for Rep. Weyler; and Reps. Thomas and Griffin as tellers for Rep. Whalley to tally votes.

ANNOUNCEMENT

The Chair announced that the following representative-elect had been sworn in by the Governor and Executive Council: Rep. Robert W. Brundige, Hills. 19.

FIRST BALLOT

Of the 384 votes cast, 193 votes were needed for election. Rep. Craig received 146 votes; Rep. Scamman received 43 votes; Rep. Weyler received 54 votes; and Rep. Whalley received 141 votes. No candidate was elected on the first ballot.

The House recessed at 12:50 p.m.

RECESS

(Clerk in the Chair)

The House reconvened at 1:15 p.m.

ANNOUNCEMENT

The Chair announced that the following representatives-elect had been sworn in by the Governor and Executive Council:

Reps. Bonnie Ham, Graf. 4; and Mary Beth Walz, Merr. 13.

SECOND BALLOT

During the recess the candidates agreed that speeches prior to the second ballot would be held to three minutes and that the candidate order of speaking would be reversed. Reps. Weyler and Craig spoke and withdrew their names from consideration. Rep. Stephen L'Heureux spoke in favor of Rep. Scamman's nomination. Rep. Whalley spoke in favor of his nomination. The Chair called for the second ballot. After the balloting was closed, the Chair called for the appointed tellers for Reps. Scamman and Whalley to tally votes. Of the 385 votes cast, 193 votes were needed for election. Rep. Scamman received 221 votes and Rep. Whalley received 160 votes. There were three ballots cast for a withdrawn candidate and one blank ballot. The Chair declared Rep. W. Douglas Scamman duly-elected Speaker of the House. Rep. Whalley moved that the vote for Rep. W. Douglas Scamman be made unanimous. Adopted.

(Speaker Scamman in the Chair)

The Sergeant-at-Arms escorted Speaker Scamman to the rostrum. The Speaker addressed the House.

APPOINTMENT

The Speaker appointed Rep. James W. Craig, as the Minority Leader of the House. The House recessed at 2:20 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 3:00 p.m.

RESOLUTION

Reps. O'Neil and Craig offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and has elected its Speaker, W. Douglas Scamman, and is ready to meet with the Senate in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer. Adopted.

SENATE MESSAGES

The Senate has organized and has elected as its officers: Sen. Thomas R. Eaton, President; Steven J. Winter, Clerk; Tammy L. Wright, Assistant Clerk; Henry W. Wilson, Sergeant-at-Arms and Doorkeeper, John J. Byrnes, Sr.

The Senate is organized and ready to meet with the Honorable House of Representatives in joint convention for the purpose of electing a Secretary of State and a State Treasurer.

JOINT CONVENTION

(Speaker Scamman presiding)

The Speaker called the joint convention to order.

The Chair declared nominations were in order for Secretary of State.

Sen. D'Allesandro placed the name of William M. Gardner in nomination for Secretary of State. Sen. Barnes and Reps. Robert Johnson, Kennedy, Alger, Putnam and David Cote seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mr. Gardner.

The Chair declared Mr. Gardner duly-elected Secretary of State for the 2005-2006 biennium.

The Chair declared nominations were in order for State Treasurer.

Rep. Rausch placed the name of Michael A. Ablowich in nomination for State Treasurer. Sen. D'Allesandro and Rep. Weyler seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mr. Ablowich.

The Chair declared Mr. Ablowich duly-elected State Treasurer for the 2005-2006 biennium.

The Chair administered the oath of office to William M. Gardner and Michael A. Ablowich.

Sen. Clegg and Rep. O'Neil moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE SESSION**(Speaker Scamman in the Chair)**

The Speaker reconvened the House session.

ELECTION OF HOUSE OFFICERS

The Speaker declared nominations were in order for Clerk of the House.

Rep. Welch placed in nomination the name of Karen O. Wadsworth for Clerk of the House.

Rep. DeStefano seconded the nomination.

There being no further nominations, the Speaker declared nominations closed and cast one ballot for Karen O. Wadsworth and declared Karen O. Wadsworth the duly-elected Clerk of the House for the 2005-2006 biennium.

The Speaker declared nominations were in order for Sergeant-at-Arms.

Rep. Wall placed in nomination the name of Deborah Nielsen for Sergeant-at-Arms.

Rep. Robert L'Heureux seconded the nomination.

There being no further nominations, the Speaker declared nominations closed and instructed the Clerk to cast one ballot for Deborah Nielsen and declared Deborah Nielsen the duly-elected Sergeant-at-Arms for the 2005-2006 biennium.

The Speaker administered the oath of office to Karen O. Wadsworth and Deborah Nielsen.

Reps. O'Neil and Craig offered the following:

HOUSE RESOLUTION NO. 1

RESOLVED, that the House adopt the Rules of the 2004 session for the 2005-2006 biennium.

Rep. Whalley offered an amendment to House Resolution 1 as proposed by the Rules Committee:

AMENDMENT TO HOUSE RULES

Amend Rule 64 to read as follows:

January 21, 2005, Friday, 12:00 p.m.

Last day to sign-off all House bills, including re-draft requests.

February 3, 2005, Thursday

Last day to introduce House bills.

Last day to amend House rules by majority vote.

Adopted.

House Resolution No. 1 adopted.

Reps. Hager and Craig offered the following:

HOUSE RESOLUTION NO. 2

RESOLVED, That all action taken at all sessions of the House of Representatives be recorded on tapes through the public address system, and that the tapes be used by the Clerk to confirm and correct the permanent journal. The permanent journal as prepared by the Clerk and as may be corrected by the House shall be the official record of the House.

Adopted.

Reps. King and Craig offered the following:

HOUSE RESOLUTION NO. 3

RESOLVED, That the following policy be established for the distribution of House calendars and daily journals, bills and resolutions to members of the General Court and state departments:

1. Every citizen is entitled, free of charge, to one copy of any publication at the legislative counter or to have the publication mailed to that person upon individual request for one such copy.
2. Persons requesting copies for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated when service is received for portions of the session only. All fees are payable in advance. The subscriber list may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.
3. All fees charged for publications in accordance with this resolution shall be fixed with the approval of the Speaker, paid into the state treasury and credited to the legislative appropriation.

Adopted.

Reps. O'Neil and Craig offered the following:

HOUSE RESOLUTION NO. 4

RESOLVED, That the Speaker may employ such personnel as he may deem necessary and, with the approval of the House subcommittee of the Committee on Legislative Facilities, may fix their compensation in accordance with RSA 17-E:5.

Adopted.

Reps. Hager and Craig offered the following:

HOUSE RESOLUTION NO. 5

RESOLVED, That members will be paid their legislative salary, as provided in the Constitution, in the month of January 2005; and,

That mileage of members of the House of Representatives be paid every two weeks during the session.

Adopted.

ANNOUNCEMENT

The Clerk announced that the following representative-elect had been sworn in by the Governor and Executive Council: Rep. Elenore Casey Crane, Hills. 21.

RESOLUTION

Rep. Hager offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 5, 2005 at 10:00 a.m.

Adopted.

MOMENT OF SILENCE

Speaker Scamman requested that the House stand and observe a moment of silence in memory of Marine Corps Lance Corporal Adam Brooks of Manchester, New Hampshire, who recently died in Baghdad, Iraq. Rep. Hirschmann will have a resolution drafted at a later date for presentation to the family.

RECESS MOTION

Rep. Weyler moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 4:00 p.m.

RECESS

(Speaker Scamman in the Chair)

APPOINTMENTS

The Speaker made the following appointments:

Deputy Speaker, Kenneth L. Weyler

Majority Leader, Michael O'Neil

Majority Whip, Pamela G. Price

RECESS

(Rep. Price in the Chair)

RESOLUTION

Rep. Weyler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 31 through 49; 51 through 74; 76 through 81, and Constitutional Amendment Concurrent Resolutions numbered 1,2 and 3 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and CACRs

First, second reading and referral

HB 31-FN-A, relative to state matching funds for Federal Emergency Management Agency disaster assistance grants and making an appropriation therefor. (Phinizy, Sull 5; Pratt, Ches 2; D. Eaton, Ches 2; Parkhurst, Ches 4; Dunn, Ches 3: Finance)

HB 32, establishing a committee to study the feasibility of implementing the Second Chance drug rehabilitation program in the New Hampshire prison system. (P. Katsakiores, Rock 5; Griffin, Rock 4; G. Katsakiores, Rock 5; Dowling, Rock 5: Criminal Justice and Public Safety)

HB 33, establishing retainage procedures for public contracts. (Ross, Hills 3; Carter, Hills 3; Adams, Hills 2: Executive Departments and Administration)

HB 34, relative to certain land sales in towns with planning boards. (Weyler, Rock 8; Camm, Rock 8; Hughes, Rock 18: Municipal and County Government)

HB 35, relative to bank reserve and lending procedures. (Marple, Merr 9; L. Christiansen, Hills 27: Commerce)

HB 36, establishing a committee to study the location of transitional housing for the New Hampshire hospital. (MacKay, Merr 11: Public Works and Highways)

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence. (Infantine, Hills 13; Baroody, Hills 13; Hebert, Hills 17; Hirschman, Hills 17; Aboshar, Hills 13: Commerce)

HB 38, relative to credit card theft. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Soltani, Merr 8; Weyler, Rock 8: Criminal Justice and Public Safety)

HB 39, relative to sex education in public schools. (Albert, Straf 1; Cady, Rock 1; Souza, Hills 11; Mooney, Hills 19: Education)

HB 40, relative to inspection dates for certain vehicles. (Drisko, Hills 5; Gargas, Hills 5: Transportation)

HB 41, relative to the right-to-know study commission. (Thomas, Belk 5; Cady, Rock 1: Judiciary)

HB 42, establishing a statutory joint committee to review and propose changes to state unclassified officers' salaries. (Dodge, Rock 9; Weyler, Rock 8; Rogers Johnson, Rock 13; Green, Dist 6: Executive Departments and Administration)

HB 43, clarifying the penalty provision of the law relative to lobbyists. (MacKay, Merr 11; N. Allan, Hills 26; Stohl, Coos 1; P. Smith, Rock 3: Legislative Administration)

HB 44, allowing municipalities to require certain current use landowners to file a bond for the payment of the land use change tax. (Babson, Carr 3: Municipal and County Government)

HB 45, relative to combining water department funds and sewer department funds. (B. Williams, Graf 8; Maybeck, Graf 8; Dorsett, Graf 8; Johnson, Dist 2: Municipal and County Government)

HB 46-FN, relative to penalties for first-time DWI offenders. (Welch, Rock 8; Pilliod, Belk 5; Knowles, Straf 6; Tholl, Coos 2: Criminal Justice and Public Safety)

HB 47, regulating the use of computer spyware. (Maxfield, Merr 6; Cataldo, Straf 3: Science, Technology and Energy)

HB 48, establishing a committee to study ballot reform. (Weed, Ches 3; Pratt, Ches 2; Hilliard, Straf 2; P. Allen, Ches 6: Election Law)

HB 49, establishing an independent legislative redistricting commission. (Weed, Ches 3; Pratt, Ches 2; Hilliard, Straf 2; P. Allen, Ches 6: Election Law)

HB 51, establishing a committee to study the feasibility of imposing a luxury sales tax and an amusements tax. (Weed, Ches 3; Pratt, Ches 2; P. Allen, Ches 6: Ways and Means)

HB 52, allowing municipalities to grant an additional exemption amount to disabled persons for their dependent children. (McKinney, Rock 3: Municipal and County Government)

HB 53, repealing a 1901 law relating to the apportionment of library funds in the town of Haverhill. (Ingretson, Graf 5; Giuda, Graf 5: Municipal and County Government)

HB 54, relative to responsibility for child passenger restraints. (Knowles, Straf 6; Tholl, Coos 2; Welch, Rock 8; Kenney, Dist 3; Gallus, Dist 1; Estabrook, Dist 21: Transportation)

HB 55-FN-A, relative to industrial hemp and establishing an industrial hemp special program fund. (Owen, Merr 4; Olimpio, Carr 5; Phinizy, Sull 5; P. Allen, Ches 6: Environment and Agriculture)

HB 56, relative to food safety in restaurants. (Pilliod, Belk 5; P. Allen, Ches 6; Bergin, Hills 6; French, Merr 5: Executive Departments and Administration)

- HB 57**, relative to the burning of construction and demolition debris. (Owen, Merr 4; Phinizy, Sull 5; French, Merr 5: Science, Technology and Energy)
- HB 58**, relative to the effective date for the elimination of certain substances from gasoline supplies. (Owen, Merr 4; Phinizy, Sull 5; Ryan, Merr 2; M. Martin, Hills 26: Science, Technology and Energy)
- HB 59-FN-L**, relative to municipal responsibility for septage disposal. (Camm, Rock 8: Resources, Recreation and Development)
- HB 60-FN-A**, relative to reimbursement of legal fees of the commissioner of the department of administrative services and making an appropriation therefor. (R. Wheeler, Hills 7; O'Neil, Rock 15; Stone, Rock 1; Green, Dist 6: Finance)
- HB 61**, extending the family law task force. (Gargas, Hills 5; Bickford, Straf 3; Franklin, Sull 2; Roberge, Dist 9: Children and Family Law)
- HB 62-FN**, relative to the Social Security offset in the calculation of state retirement system annuities. (Pilotte, Hills 16; F. Sullivan, Hills 12; Martel, Dist. 18: Executive Departments and Administration)
- HB 63**, establishing a committee to study the feasibility of requiring that liquor brought into the state of New Hampshire be brought in through the port of Portsmouth. (Pantelakos, Rock 16; Splaine, Rock 16; Powers, Rock 16: Commerce)
- HB 64**, establishing a committee to study assessing local education costs on a county-wide basis. (T. Robertson, Ches 3; Phinizy, Sull 5; A. Tilton, Ches 6; Pratt, Ches 2; Sinclair, Ches 3: Municipal and County Government)
- HB 65**, allowing licensed barbers and cosmetologists to employ shampoo assistants. (P. Katsakiores, Rock 5; Griffin, Rock 4; Dowling, Rock 5; G. Katsakiores, Rock 5; Letourneau, Dist 19: Executive Departments and Administration)
- HB 66**, regulating mandatory overtime for nurses. (Osborne, Merr 12; Sokol, Graf 9; French, Merr 5; Theberge, Coos 4; Pilliod, Belk 5; Blanchard, Merr 10; Larsen, Dist 15: Labor, Industrial and Rehabilitative Services)
- HB 67**, prohibiting excessive overpricing of essential commodities during a declared state of emergency. (Osborne, Merr 12; Theberge, Coos 4; Twombly, Straf 1; E. Blanchard, Merr 10; Lockwood, Merr 6; Green, Dist 6; D'Allesandro, Dist 20; Larsen, Dist 15: Commerce)
- HB 68**, relative to the enforcement of disorderly conduct by reason of noise. (Hunter, Hills 7; Emerton, Hills 7; R. Wheeler, Hills 7; Pepino, Hills 11; Baines, Hills 7: Criminal Justice and Public Safety)
- HB 69**, relative to property rights and large groundwater withdrawals. (Cady, Rock 1; Bicknell, Rock 1; Kobel, Rock 1; Easson, Straf 3; Green, Dist 6: Resources, Recreation and Development)
- HB 70**, repealing the law requiring town selectmen to perambulate borders of towns. (Rowe, Hills 6; O'Connell, Hills 6: Municipal and County Government)
- HB 71-FN-A-L**, relative to funding of the school building aid program for the 2005 fiscal year and making an appropriation therefor. (Graham, Hills 18; Chandler, Carr 1; Alger, Graf 6: Finance)
- HB 72**, relative to continuing education requirements for professional engineers. (Buhlman, Hills 27; Slocum, Hills 6; Itse, Rock 9: Executive Departments and Administration)
- HB 73**, allowing recipients of the National Defense Service Medal to be eligible for the veterans' property tax credit. (Lawrence, Hills 27; Goyette, Hills 27; P. Campbell, Straf 3; Bergeron, Hills 27; Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Clegg, Dist 14: Municipal and County Government)
- HB 74**, relative to the sale of permissible fireworks. (Welch, Rock 8; Hunt, Ches 7: Criminal Justice and Public Safety)
- HB 76**, revising the process of charter school approval by the state board of education. (Hunt, Ches. 7; Alger, Graf 6; Snyder, Straf 2; P. Sullivan, Hills 10: Education)
- HB 77-FN**, relative to geographic location for small group insurance coverage. (Langley, Rock 18; Marshall Quandt, Rock 13; King, Coos 1; Hughes, Rock 18; S. Scamman, Rock 13; Gallus, Dist 1; Fuller Clark, Dist 24: Commerce)
- HB 78-FN-L**, relative to state funding of regional vocational education centers. (Graham, Hills 18; Rausch, Rock 5; Bouchard, Merr 11; Waterhouse, Rock 4; Clegg, Dist 14: Public Works and Highways)
- HB 79**, relative to protective orders in domestic violence cases. (Dumaine, Rock 3; Itse, Rock 9: Judiciary)
- HB 80**, relative to the definition of a deadly weapon. (Dumaine, Rock 3; P. Smith, Rock 3; Stohl, Coos 1; Twombly, Straf 1, Brundige, Hills 19; Clegg, Dist 14: Criminal Justice and Public Safety)

HB 81, allowing municipalities to grant 2 veterans' tax credits in a single household. (Dickinson, Carr 1; Kenney, Dist 3: Municipal and County Government)

CACR 1, relating to taxation. Providing that the maximum increase in any budget bill in the state or its political subdivisions shall be limited by the rates of inflation and population growth unless overridden. (Weyler, Rock 8; Camm, Rock 8; Bicknell, Rock 1; Boyce, Dist 4; Barnes, Dist 17: Finance)

CACR 2, relating to the appointment of judges. Providing that judges shall be appointed to 5-year terms of office which may be renewed. (Bicknell, Rock 1; Itse, Rock 9; Gonzalez, Hills 17; Boyce, Dist 4: Judiciary)

CACR 3, relating to state income tax revenue. Providing that all state income tax revenue shall be dedicated to the funding of public education. (T. Robertson, Ches 3; A. Tilton, Ches 6; Pratt, Ches 2; Sinclair, Ches 3: Ways and Means)

RECESS

(Rep. Alger in the Chair)

RESOLUTION

Rep. Paul Smith offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 82 through 89, and Constitutional Amendment Concurrent Resolution numbered 4 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, and CACR

First, second reading and referral

HB 82, relative to defining political committees of political parties. (Benn, Graf 9; Almy, Graf 11: Election Law)

HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. (Cady, Rock 1; Souza, Hills 11; Hagan, Hills 17; Bickford, Straf 3; Barnes, Dist 17; Martel, Dist 18: Municipal and County Government)

HB 84, relative to compensation of Rockingham county convention members for county business. (Welch, Rock. 8; G. Katsakiores, Rock 5; S. Francoeur, Rock 15; Griffin, Rock 4; O'Neil, Rock 15: Municipal and County Government)

HB 85, establishing the private attorney retention sunshine act. (Weyler, Rock 8; DiFruscia, Rock 4: Executive Departments and Administration)

HB 86, relative to property held in police department property rooms. (Winchell, Rock 6; Tholl, Coos 2: Criminal Justice and Public Safety)

HB 87, relative to the authority of the Carroll county public water system. (Morrow, Carr 3; Patten, Carr 4; C. Brown, Carr 1; Dickinson, Carr 1; Philbrick, Carr 2; Kenney, Dist 3: Municipal and County Government)

HB 88, establishing a committee to study voter registration affidavits. (P. Smith, Rock 3; Bettencourt, Rock 4; L. Elliott, Hills 1; Easson, Straf 3: Election Law)

HB 89, relative to establishing non-amendable articles by voter petition. (Slocum, Hills 6; Boyce, Belk 5; Hawkins, Hills 18; Graham, Hills 18; Boyce, Dist 4; Roberge, Dist 9: Municipal and County Government)

CACR 4, relating to taxation. Providing that a 3/5 vote is required to pass a new tax or to increase a tax after it is levied. (Camm, Rock 8; Bicknell, Rock 1; Weyler, Rock 8; Alger, Graf 6; Hughes, Rock 18; Barnes, Dist 17; Boyce, Dist 4: Ways and Means)

RECESS

(Rep. Hess in the Chair)

RESOLUTION

Rep. Goyette offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 90 through 99, and 101 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 90, relative to private driving instruction and exhibition facilities. (Morrow, Carr 3; Dickinson, Carr 1; Philbrick, Carr 2; Babson, Carr 3; Patten, Carr 4: Transportation)

HB 91-FN, repealing the local property tax exemption for wooden poles and conduits. (Gibson, Hills 19; Vaillancourt, Hills 15; Dodge, Rock 9; Espieffs, Ches 3; Ross, Hills 3; Gallus, Dist 1; Green, Dist 6: Ways and Means)

HB 92, limiting access to certain business records. (Dickinson, Carr 1; Stepanek, Hills 6; Morrow, Carr 3; C. Brown, Carr 1; S. Scamman, Rock 13; Kenney, Dist 3; Gallus, Dist. 1: Commerce)

HB 93-FN, relative to farm plates for motor vehicles. (Drisko, Hills 5; Gargas, Hills 5: Transportation)

HB 94-FN-A, requiring a discount to wholesalers on cash purchases of tobacco tax stamps. (Jasper, Hills 27; Griffin, Rock 4, C. Hamm, Merr 4; Hammond, Graf 11: Ways and Means)

HB 95, relative to delegates to state party conventions. (Mooney, Hills 19; MacKay, Merr 11; Kennedy, Merr 4; Boyce, Dist 4: Election Law)

HB 96, relative to a certain highway project between Pembroke and Bow, New Hampshire. (Field, Merr 7; Greco, Merr 7; Rush, Merr 7; Larsen, Dist 15: Public Works and Highways)

HB 97, relative to replacing school budget committee members. (Weyer, Rock 8; Welch, Rock 8; M. Allen, Rock 11; Barnes, Dist 17: Municipal and County Government)

HB 98, relative to law enforcement authority under the safe schools act. (Bicknell, Rock 1; Kennedy, Merr 4; Itse, Rock 9; Boyce, Dist 4: Criminal Justice and Public Safety)

HB 99, changing the name of the college for lifelong learning to Granite state college. (F. Sullivan, Hills 12, Pilotte, Hills 16; P. Smith, Rock 3; S. L'Heureux, Merr 9; Green, Dist 6: Executive Departments and Administration)

HB 101, relative to the duties of the oversight committee on health and human services. (Bergin, Hills 6; Pilotte, Hills 16; C. Brown, Carr 1; Estabrook, Dist 21: Health, Human Services and Elderly Affairs)

RECESS**(Speaker Scamman in the Chair)****COMMITTEE APPOINTMENTS**

The Speaker appointed Standing Committees of the House as follows:

CHILDREN & FAMILY LAW**REPUBLICANS**

Moran, Edward P., Chairman
McRae, Karen K., Vice Chairman
Brown, Julie M.
Bickford, David A.
Gargas, Carolyn M.
Itse, Daniel C.
Blanchard, Elizabeth D.
Ham, Bonnie D.
Souza, Kathleen F.
Cady, Harriet E.
Foote, Sheila A.

DEMOCRATS

Richardson, Barbara Hull
Grassie, Anne C.
Gile, Mary Stuart
Ginsburg, Ruth
Flockhart, Eileen C.
Matarazzo, Anthony P., Sr.
Walz, Mary Beth

COMMERCE**REPUBLICANS**

Francoeur, Sheila T., Chairman
Stepanek, Stephen B., Vice Chairman
Belanger, Ronald J.
Langley, Jane S.
Flanders, Donald H.
Clark, Charles L.

DEMOCRATS

Taylor, Kathleen N.
Reardon, Tara G.
DeStefano, Stephen T.
Kopka, Angeline A.
Clayton, William K.
DeVries, Betsi L.

Quandt, Marshall Lee
 Quandt, Matthew J.
 Scamman, Stella
 Headd, James F.
 Kidder, David H.
 Martin, James R.
 Pelkey, Stephen T.

Egbers, Fran M.
 McLeod, Martha S.

CRIMINAL JUSTICE & PUBLIC SAFETY

REPUBLICANS

Welch, David A., Chairman
 Dowling, Patricia A., Vice Chairman
 Tholl, John E., Jr.
 Fesh, Bob M.
 Weare, E. Albert
 Gilbert, Karl I.
 Stevens, Stanley E.
 Oliver, James H.
 Winchell, George D.
 Manning, John J.
 Charron, Gene P.
 Ulery, Jordan G.
 Villeneuve, Maurice

DEMOCRATS

Knowles, William V.
 Berube, Roger R.
 Callaghan, Frank D.
 Movsesian, Lori A.
 Pantelakos, Laura C.
 Robertson, Timothy N.
 Hammond, Lee M.
 Sullivan, Peter M.

EDUCATION

REPUBLICANS

L'Heureux, Stephen R., Chairman
 Hess, David W., Vice Chairman
 Naro, Debra A.
 Balboni, Michael A.
 Carter, Mark S.
 Hagan, Barbara J.
 Ingretson, Paul C.
 Newton, Clifford A.
 Campbell, W. Packy
 Easson, Timothy E.
 Asselin, Michael B.
 Remick, William J.
 Stiles, Nancy F.
 Ward, John L.

DEMOCRATS

Snyder, Clair A.
 Yeaton, Charles, B.
 Jean, Claudette R.
 Clarke, Claire D.
 Rush, Deanna P.
 Dunn, J. Timothy
 Casey, Kimberley S.
 Rous, Emma L.

ELECTION LAW

REPUBLICANS

Whalley, Michael D., Chairman
 Drisko, Richard B., Vice Chairman
 Reeves, Sandra J.
 Kennedy, Richard E.
 Allen, Janet F.
 Biundo, Michael G.
 Boehm, Ralph G.
 Carew, James M.
 Forsing, Robert W.
 Hirschmann, Keith D.
 Langlais, Thomas J.
 O'Brien, William L.

DEMOCRATS

Splaine, James R.
 Clemons, Jane A.
 Weed, Charles F.
 Chase, Claudia A.
 Sinclair, Stephanie C.
 Tilton, Joy K.

ENVIRONMENT & AGRICULTURE

REPUBLICANS

Babson, David L., Jr., Chairman
 O'Connell, Timothy D., Vice Chairman

DEMOCRATS

Owen, Derek
 Hall, Betty B.

Messier, Irene M.
 Dunlap, Patricia C.
 Philbrick, Donald R.
 Williams, Burton W.
 Olimpio, J. Lisbeth
 Hansen, Ryan N.
 Aboshar, Jeffrey S.
 Knox, J. David
 Sawyer, Sheldon S.
 Tobin, William B.

Phinizy, James B.
 Beaulieu, Jane E.
 Butcher, Suzanne S.
 Essex, David E.
 Merrick, Scott A.
 Powers, James F.

EXECUTIVE DEPARTMENTS & ADMINISTRATION

REPUBLICANS

Bergin, Peter F., Chairman
 Dalrymple, Janeen A., Vice Chairman
 Zolla, William R.
 Allan, Nelson S.
 Dexter, Judson K.
 Robertson, Carl G.
 Millham, Alida I.
 Fitzgerald, James M.
 Nowe, Ronald J.
 Hawkins, Ken
 Coburn, James B.
 Manney, Pamela V.
 Ryder, Donald F.

DEMOCRATS

Irwin, Anne-Marie
 DeJoie, John
 Pilotte, Maurice L.
 Sullivan, Francis B.
 Harding, A. Laurie
 Houde-Quimby, Charlotte
 McMahon, Patricia M.
 Velez, Hector M.

FINANCE

REPUBLICANS

King, Frederick W., Chairman
 Hager, Elizabeth S., Vice Chairman
 Johnson, Robert A.
 Kurk, Neal M.
 Stone, Joseph E.
 Wheeler, Robert L.
 Anderson, Eric
 Emerton, Larry A.
 Rodeschin, Beverly T.
 Hunter, Bruce F.
 Elliott, Larry G.
 Dodge, Robert K.
 Gould, Kenneth H.
 Hughes, Daniel M.
 Ingram, Russell F.

DEMOCRATS

Wallner, Mary Jane
 Nordgren, Sharon
 Smith, Marjorie K.
 Blanchard, MaryAnn N.
 Foster, Linda T.
 Eaton, Daniel A.
 Norelli, Terie N.
 Franklin, Peter E.
 Pappas, Christopher C.

FISH AND GAME

REPUBLICANS

L'Heureux, Robert J., Chairman
 Carlson, Donald, Vice Chairman
 Barker, Robert R.
 Mirski, Paul
 Klose, John F.
 Reed, Dennis
 Moore, Benjamin E.
 Eaton, Stephanie
 Clark, Mark S.
 Heald, Bruce D.
 Morneau, Renney E.

DEMOCRATS

Greco, Vincent E.
 Lefebvre, Roland J.
 Brassard, Paul A.
 Solomon, Peter E.
 Plifka, Stanley S., Jr.
 Smith, David L.

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS**REPUBLICANS**

Batula, Peter L., Chairman
 MacKay, James R., Vice Chairman
 Wendelboe, Fran
 Chabot, Robert F.
 Katsakiores, Phyllis M.
 Barry, J. Gail
 Brown, Carolyn A.
 McMahon, Charles E.
 Weldy, Norman E.
 Emerson, Susan
 Johnson, Robers J.
 Hogancamp, Deborah J.
 Mason, April H.

DEMOCRATS

French, Barbara C.
 Donovan, Thomas E.
 Sokol, Hilda W.
 Miller, Joseph M.
 Schulze, Joan H.
 Jillette, Arthur G.
 Mitchell, Bonnie G.
 Rosenwald, Cindy

JUDICIARY**REPUBLICANS**

Dokmo, Cynthia J., Chairman
 Soltani, Tony F., Vice Chairman
 Rowe, Robert H.
 Desmarais, Vivian J.
 Mooney, Maureen C.
 Morris, Richard W.
 Sorg, Gregory, M.
 Wheeler, James E.
 Pilliod, James P.
 Buxton, Donald R.
 Elliott, Nancy J.
 Francoeur, Bea
 Mead, Robert D.

DEMOCRATS

Wall, Janet G.
 Lasky, Bette R.
 Potter, Frances D.
 Cote, David E.
 Espieffs, Peter
 Morrison, Gail C.
 Buzzell, Bernard E.
 Shurtleff, Stephen J.

LABOR, INDUSTRIAL & REHABILITATIVE SERVICES**REPUBLICANS**

Bridle, Russell D., Chairman
 Infantine, William J., Vice Chairman
 Bishop, Franklin C.
 Holden, Randolph N.S.
 Richardson, Herbert D.
 Adams, Jarvis M., IV
 Carson, Sharon M.
 Guida, Robert J.
 DiFruscia, Anthony R.
 Donahue, Richard Ken
 Lary, Bruce S.
 Whiting, Herbert F.

DEMOCRATS

Mears, Edgar H.
 Baroody, Benjamin C.
 Goley, Jeffrey P.
 Palangas, Eric
 Gorman, Mary J.
 Converse, Larry
 Hofemann, Roland P.

LEGISLATIVE ADMINISTRATION**REPUBLICANS**

Hunt, John B., Chairman
 McKinney, Betsy, Vice Chairman
 Allan, Nelson S.
 Hutchinson, Karen K.
 Gonzalez, Carlos E.
 Currier, David P.
 Smith, Paul C.
 Bicknell, Elbert I.
 Hellwig, Stephen D.
 Kelly, Eugene W., Jr.

DEMOCRATS

Craig, James W.
 Tilton, Anna
 Hilliard, Dana S.
 Rollo, Michael S.
 Daniuk, Caitlin A.
 Serlin, Christopher W.

MUNICIPAL & COUNTY GOVERNMENT**REPUBLICANS**

Patten, Betsey L., Chairman
 Stohl, Eric G., Vice Chairman
 Brundige, Robert W.
 Boyce, Laurie J.
 Dumaine, Dudley D.
 Buhlman, David L.
 Doyle, Christopher L.
 Gillick, Thomas J.
 Dowd, John P.
 Dorsett, Andrew L.
 Maybeck, Marjorie
 Gale, Harry S.
 Hopfgarten, Paul R.
 Renzullo, Andrew

DEMOCRATS

Johnson, Nancy K.
 Cooney, Mary R.
 Osborne, Jessie L.
 Schmidt, Peter B.
 Theberge, Robert L.
 Harvey, Suzanne
 Prichard, Stephen G.

PUBLIC WORKS & HIGHWAYS**REPUBLICANS**

Chandler, Gene G., Chairman
 Rausch, James B., Vice Chairman
 Calawa, Leon C., Jr.
 Keans, Sandra B.
 Graham, John A.
 Tahir, Saghir A.
 Gionet, Edmond D.
 McConkey, Mark E.
 Waterhouse, Kevin K.
 Dyer, Donald J.
 Tilton, Franklin T.

DEMOCRATS

Cloutier, John R.
 Bouchard, Candace C.W.
 Benn, Bernard L.
 Campbell, David B.
 Bucu, Thomas L.
 Foosse, Robert A.
 Rochette, Eric P.

RESOURCES, RECREATION & DEVELOPMENT**REPUBLICANS**

Dickinson, Howard C., Chairman
 Currier, David P., Vice Chairman
 Cooney, Richard T.
 Russell, David H.
 Christensen, D.L. Chris
 Merrow, Harry C.
 Wiley, Robert W.
 Goyette, Peter R., Jr.
 Ahlgren, Christopher J.
 Bettencourt, David J.
 Chaplin, Duncan D.
 Irish, Christopher R.
 Sanders, Elisabeth N.

DEMOCRATS

Spang, Judith T.
 Martin, Mary Ellen
 Brueggemann, Donald A.
 Parkhurst, Henry A.L.
 Abbott, Dennis F.
 Tupper, Frank A.
 Cilley, Jacalyn L.
 Moody, Marcia G.

RULES**REPUBLICANS**

Scamman, W. Douglas, Chairman
 O'Neil, Michael, Vice Chairman
 Kurk, Neal M.
 Hager, Elizabeth S.
 Price, Pamela G.

DEMOCRATS

Pratt, John M.
 Eaton, Daniel A.
 Phinizy, James G.

SCIENCE, TECHNOLOGY & ENERGY**REPUBLICANS**

Alger, John R.M., Chairman
 Maxfield, Roy D., Vice Chairman
 Introne, Robert E.
 Golding, William M.
 Cataldo, Sam A.
 Crane, Elenore Casey
 Ross, Lawrence C.
 Slocum, Lee G.
 Lawrence, James H.
 Baines, Stephen A.
 Garrity, James M.
 Ober, Lynne M.

DEMOCRATS

Cali-Pitts, Jacqueline A.
 Kaen, Naida L.
 Bleyler, Ruth Z.
 Taylor, Katherine
 Andersen, Gene F.
 Chase, William V.
 Ryan, Jim

STATE-FEDERAL RELATIONS & VETERANS AFFAIRS**REPUBLICANS**

Coughlin, Pamela D., Chairman
 Twombly, James E., Vice Chairman
 Priestley, Anne K.
 Albert, Russell A.
 Marple, Richard
 Lessard, Rudy
 Christiansen, Lars T.
 Rosen, Ralph J.
 Putnam, Ed M., II
 Field, William D.
 Hebert, Raymond R.
 Rolston, James G.

DEMOCRATS

Heon, Richard F.
 Shaw, Barbara E.
 Domingo, Baldwin M.
 Michon, Stephen
 Garrity, Patrick F.
 Johnson, Paula I.
 Roberts, Kris E.

TRANSPORTATION**REPUBLICANS**

Packard, Sherman A., Chairman
 Nedeau, Stephen H., Vice Chairman
 Flanders, John W., Sr.
 Katsakiores, George N.
 Kobel, Rudolph J.
 Bergeron, Jean-Guy J.
 Allen, Mary M.
 Scanlon, Michael J.
 Veazey, John A.
 Hollinger, Jeffrey D.
 Danforth, James W.

DEMOCRATS

Cote, Peter R.
 Haley, Robert J.
 Ferland, Brenda L.
 Creteau, Irene T.
 Brown, Jennifer M.
 Williams, Robert W.

WAYS AND MEANS**REPUBLICANS**

Major, Norman L., Chairman
 Camm, Kevin L., Vice Chairman
 Jasper, Shawn N.
 Griffin, Mary E.
 Gibson, John M.
 Hinkle, Peyton B.
 Vaillancourt, J. Steve
 Thomas, John H.
 Lockwood, Priscilla P.
 Palazzo, Frank J.
 Lund, Howie
 Parker, Benjamin E.
 Wells, Roger G.

DEMOCRATS

Almy, Susan W.
 Hamm, Christine C.
 Pratt, John M.
 Allen, Peter H.
 Goodwin, Earle
 Butynski, William
 Mulholland, Catherine
 Shaw, Kimberly C.

RECESS

(Rep. Weyler in the Chair)**RESOLUTION**

Rep. O'Neil offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 102 through 136, House Concurrent Resolution numbered 1, House Resolution numbered 10, and Constitutional Amendment Concurrent Resolutions numbered 5 and 6 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HCR, HR and CACRs**First, second reading and referral**

HB 102-FN-A, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor. (Knowles, Straf 6; Stone, Rock 1; Pilliod, Belk 5; Welch, Rock 8; Hofemann, Straf 6; Keans, Straf 1; Kenney, Dist 3; Estabrook, Dist 21: Finance)

HB 103-FN-A, making an appropriation to the department of education for charter schools. (Hunt, Ches 7; Alger, Graf 6; Snyder, Straf 2; P. Sullivan, Hills 10: Finance)

HB 104, requiring insurance coverage for infertility treatments. (Crane, Hills 21; P. Smith, Rock 3; Rep Pilliod, Belk 5; Lasky, Hills 26: Commerce)

HB 105, relative to denial of fertility treatment to a fertility patient. (Crane, Hills 21; Lasky, Hills 26: Health, Human Services and Elderly Affairs)

HB 106, establishing a commission to study the practices and procedures of fertility clinics and to develop standards of care for such clinics. (Crane, Hills 21; P. Smith, Rock 3; Movsesian, Hills 22: Health, Human Services and Elderly Affairs)

HB 107, relative to the use of artificial light to view moose in Coos County. (R. L'Heureux, Hills 19; Carlson, Hills 3; Gorman, Hills 23; Manning, Rock 4; Gallus, Dist 1; Roberge, Dist 9: Fish and Game)

HB 108, relative to the acuity-based reimbursement system developed by the department of health and human services. (Almy, Graf 11; Alger, Graf 6; B. Williams, Graf. 8; Sokol, Graf 9; M. Cooney, Graf 7; Burling, Dist. 5; Johnson, Dist 2: Health, Human Services and Elderly Affairs)

HB 109, requiring notification of federal tax requirements in the sale of a principal residence and limiting the disclosure of social security numbers in real estate transfers. (Buhlman, Hills 27; Field, Merr 7; Ingbreton, Graf 5: Commerce)

HB 110, extending the veterans' property tax credit to all honorably discharged veterans. (Lawrence, Hills 27; Goyette, Hills 27; W. P. Campbell, Straf 3; Bergeron, Hills 27; Introne, Rock 3; Clegg, Dist 14: Municipal and County Government)

HB 111, establishing a commission to study the elimination of cervical cancer in the state of New Hampshire. (Wendelboe, Belk 1; Batula, Hills 19; Clemons, Hills 24; Hassan, Dist 23; Martel, Dist 18; M. Fuller Clark, Dist 24: Health, Human Services and Elderly Affairs)

HB 112, relative to psychiatric evaluations in competency hearings. (Knowles, Straf 6; Welch, Rock 8; Tholl, Coos 2; Foster, Dist 13: Judiciary)

HB 113, establishing a committee to study mandatory sentencing in criminal cases. (Kidder, Merr 1: Criminal Justice and Public Safety)

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board. (Wendelboe, Belk 1: Executive Departments and Administration)

HB 115, allowing pharmacists to establish collaborative practice agreements with medical practitioners. (Wendelboe, Belk 1: Executive Departments and Administration)

HB 116, relative to changes in eligibility for state programs. (Weyler, Rock 8; Camm, Rock 8; Kurk, Hills 7; Dodge, Rock 9; Boyce, Dist 4; Green, Dist 6: Finance)

HB 117, requiring automobile insurance to register a vehicle. (Weyler, Rock 8; N. Johnson, Straf 3: Commerce)

HB 118, relative to bicycle helmet use by certain minors. (Scanlon, Hills 18; Price, Hills 26; Casey, Rock 11; Boyce, Belk 5; Dalrymple, Rock 4; Flanders, Dist 7; Martel, Dist 18; Kenney, Dist 3; Gottesman, Dist 12; Roberge, Dist 9: Transportation)

HB 119-FN, relative to commercial advertising on toll booths. (Crane, Hills 21: Transportation)

HB 120, relative to the definition of child abuse and the identity of a person filing a report of suspected child abuse. (L. Christiansen, Hills 27: Children and Family Law)

HB 121, relative to local land use approval for facilities requiring air pollution control permits. (Currier, Merr 5; King, Coos 1; Keans, Straf 1; Barnes, Dist 17; Odell, Dist 8: Municipal and County Government)

HB 122-FN-L, relative to airing general court sessions on local government access channels. (Infantine, Hills 13: Municipal and County Government)

HB 123, relative to the New Hampshire state flag. (P. Smith, Rock 3; Letourneau, Dist 19: Executive Departments and Administration)

HB 124, naming a certain portion of New Hampshire Route 125 the Mel Keddy Memorial highway. (J. Flanders, Rock 8; Winchell, Rock 6; Casey, Rock 11; Major, Rock 8; Welch, Rock 8; Barnes, Dist 17; Hassan, Dist 23; Morse, Dist 22: Public Works and Highways)

HB 125, requiring ignition interlock devices for certain persons who drive after suspension or revocation. (Almy, Graf 11; Tholl, Coos 2: Criminal Justice and Public Safety)

HB 126, relative to grounds for termination of employment. (Holden, Hills 7; DiFruscia, Rock 4; Baroody, Hills 13; Jasper, Hills 27: Labor, Industrial and Rehabilitative Services)

HB 127, establishing a committee to study the creation of a satellite campus of the regional community-technical college system in the city of Franklin. (Ryan, Merr 2; Burling, Dist 5: Education)

HB 128-FN, relative to reckless or negligent operation of a carnival or amusement ride. (Stone, Rock 1; Knowles, Straf 6; Green, Dist 6; Barnes, Dist 17: Criminal Justice and Public Safety)

HB 129-FN-L, establishing a high performance school incentive. (Pilliod, Belk 5; French, Merr 5; Estabrook, Dist 21: Education)

HB 130, relative to limiting the length of involuntary commitment. (P. Katsakiores, Rock 5; Griffin, Rock 4; G. Katsakiores, Rock 5; Dowling, Rock. 5: Judiciary)

HB 131, requiring notice of the installation of smoke detectors prior to the sale of residential property. (Pilliod, Belk 5; S. L'Heureux, Merr 9: Criminal Justice and Public Safety)

HB 132, relative to the grounds for dismissal of a teacher. (Carter, Hills 3; Alger, Graf. 6: Education)

HB 133, establishing a committee to study single payer health care. (T. Robertson, Ches 3; Weed, Ches 3: Commerce)

HB 134, relative to certain restrictions on the Piscataquog River. (Hunter, Hills 7; Emerton, Hills 7: Resources, Recreation and Development)

HB 135-FN-A, establishing a committee to study funding sources for the state laboratories and extending the appropriation to the department of corrections for the prison automation system. (Weyler, Rock 8; Dodge, Rock 9; Graham, Hills 18; M. Smith, Straf 7; Welch, Rock 8; Morse, Dist 22; Clegg, Dist 14: Public Works and Highways)

HB 136-FN, removing increased penalties for crimes substantially motivated by hostility toward the victim's religion, race, creed, sexual orientation, national origin, or sex. (Bicknell, Rock 1; Giuda, Graf 5; Itse, Rock 9; Boyce, Dist 4: Criminal Justice and Public Safety)

HCR 1, urging Congress to withdraw the United States from the United Nations. (Albert, Straf 1; Matthew Quandt, Rock 13; Hawkins, Hills 18; Buhlman, Hills 27; Headd, Rock 3; Boyce, Dist 4; Roberge, Dist 9: State-Federal Relations and Veterans Affairs)

HR 10, urging increased consideration and preservation of local authority in international trade and investment agreements. (Weed, Ches 3; Pratt, Ches 2: State-Federal Relations and Veterans Affairs)

CACR 5, relating to the size of the house of representatives and compensation of the legislature. Providing that the number of representatives be reduced to 100 and that compensation shall be an average daily wage of the citizens of the state. (T. Robertson, Ches 3; Anna Tilton, Ches 6; Pratt, Ches 2; Weed, Ches 3: Legislative Administration)

CACR 6, relating to state representative and state senate districts. Providing that there shall be 36 senate districts and 4 house districts within each senate district. (Pratt, Ches 2: Election Law)

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 2

Wednesday, January 5, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Lord of all Creation, as we begin a new year, our hearts and prayers are with all those who have lost their lives, homes, loved ones, health and occupations in the tragedy of the South Asia tsunami. May we, by our example, empower each and every citizen of our beloved New Hampshire to join in the tsunami of compassion from around the world that seeks to comfort all those who are suffering. Bless the work of the honorable House today. Bless those who stand guard to protect us, and receive those who have given their lives that we may remain free. Amen.

Rep. Matthew J. Quandt led the Pledge of Allegiance.

The National Anthem was sung by Tori Caruso, an 8th grade student at Whitefield Elementary School in Twin Mountain.

LEAVES OF ABSENCE

Reps. Dyer and Stepanek, the day, illness.

Reps. Stephanie Eaton, Hilliard, Klose, Parker, Pelkey, Reeves, Serlin and Sorg, the day, important business.

Rep. Butynski, the day, illness in the family.

INTRODUCTION OF GUESTS

Bruce, Allison, Christopher and David Scamman; son, daughter-in-law, and grandsons of the Speaker and Rep. Stella Scamman.

Honorable William Craig, former member from Manchester, father of Rep. Craig.

Frank and Roxanne Caruso, parents of today's singer, guests of the House.

COMMUNICATION

December 15, 2005

Karen Wadsworth, Clerk of the House

The following representatives-elect were sworn into office by the Governor and Executive Council on December 15, 2004.

Grafton County District 8, Burton W. Williams, r&d, Bristol (222 Cardigan Mountain Road) 03222

Grafton County District 9, Sharon Nordgren, d, Hanover (23 Rope Ferry Road) 03755

Hillsborough County District 7, Robert L. Wheeler, r&d, Goffstown (PO Box 455) 03045

Hillsborough County District 18, Edward P. Moran, r, Bedford (19 Ministerial Road) 03110

Hillsborough County District 22, David L. Smith, d, Nashua (12 Gettysburg Drive) 03064

Hillsborough County District 27, Peter R. Goyette, Jr., r, Hudson (6 Linda Street) 03051

Merrimack County District 6, Claire D. Clarke, d, Boscawen (437 Daniel Webster Highway) 03303

Rockingham County District 8, Roger G. Wells, r&d, Hampstead (4 Fieldstone Drive) 03841

Rockingham County District 9, Robert K. Dodge, r, Fremont (92 Bean Road #3) 03044

Strafford County District 4, Katherine L. Taylor, d, Dover (5 Country Club Estates) 03820

William M. Gardner, Secretary of State

RESOLUTION

Reps. O'Neil and Craig offered the following:

RESOLVED, that the House of Representatives inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council. Adopted.

SENATE MESSAGE

The Senate is ready to meet with the House of Representatives in Joint Convention for the purpose of canvassing the votes for Governor and Council.

JOINT CONVENTION**(Speaker Scamman presiding)****RESOLUTION**

Rep. O'Neil and Sen. Clegg offered the following:

RESOLVED, that the Honorable Deputy Secretary of State be requested to lay before the Joint Convention the return votes for Governor and Executive Council.

Adopted.

In accordance with Article 42, Part 2 of the New Hampshire Constitution, David M. Scanlan, Deputy Secretary of State, appeared before the Joint Convention and presented the return votes for Governor and the Executive Council cast in the General Election held November 2, 2004 as follows:

FOR GOVERNOR

	John H. Lynch, d	Craig R. Benson, r
Belknap	14,304	17,598
Carroll	12,003	15,797
Cheshire	24,085	16,225
Coos	8,884	7,790
Grafton	24,671	20,375
Hillsborough	91,344	100,867
Merrimack	45,403	30,443
Rockingham	75,885	80,174
Strafford	31,912	26,261
Sullivan	<u>11,436</u>	<u>9,984</u>
TOTALS	339,927	325,514

John H. Lynch, having a plurality of 14,413 votes, was elected.

FOR EXECUTIVE COUNCILORS

First District	Raymond S. Burton, r&d	117,952
Second District	Peter J. Spaulding, r	67,696
	John D. Shea, d	<u>57,430</u>
	Plurality for Spaulding	10,266
Third District	Ruth L. Griffin, r&d	117,002
Fourth District	Raymond J. Wieczorek, r,	65,185
	Raymond Buckley, d	<u>50,562</u>
	Plurality for Wieczorek	14,623
Fifth District	Debora B. Pignatelli, d	64,430
	David Wheeler, r	<u>57,870</u>
	Plurality for Pignatelli	6,560

RESOLUTION

Rep. O'Neil and Sen. Clegg offered the following:

RESOLVED, that the vote for Governor and Executive Council be referred to a committee consisting of two on the part of the Senate and three on the part of the House to compare and count the same and report thereon.

Adopted.

The Chair appointed Reps. Dickinson, Robert A. Johnson and Lefebvre and Sens. Clegg and Larsen. Sen. Clegg and Rep. O'Neil moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE SESSION**(Speaker Scamman in the Chair)**

The Speaker reconvened the House and addressed the members.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 137 through 161, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 137-FN, relative to unemployment benefit eligibility. (Bishop, Rock 2; Nowe, Rock 9; Weldy, Rock 2; Forsing, Rock 2; Labor, Industrial and Rehabilitative Services)

HB 138-FN, requiring medical examiners to inventory and account for property taken from decedents. (Welch, Rock 8; Charron, Rock 7; Criminal Justice and Public Safety)

HB 139, authorizing the establishment of a moose permit raffle by the fish and game department. (R. L'Heureux, Hills 19; Gorman, Hills 23; Reed, Merr 2; Roberge, Dist 9; Gallus, Dist 1: Fish and Game)

HB 140, prohibiting the use of drugs and poisons in hunting. (R. L'Heureux, Hills 19; Gorman, Hills 23; Reed, Merr 2; Roberge, Dist 9; Gallus, Dist 1: Fish and Game)

HB 141-L, relative to the planning board's authority to limit building permits. (W. P. Campbell, Straf 3; Municipal and County Government)

HB 142, establishing a commission to study changing the local property tax abatement procedures. (Cady, Rock 1; Bicknell, Rock 1; Souza, Hills 11; Cataldo, Straf 3; Municipal and County Government)

HB 143, relative to real estate appraisals. (Scanlon, Hills 18: Commerce)

HB 144-L, relative to special elections for municipal charter amendments. (Scanlon, Hills 18; Moran, Hills 18: Municipal and County Government)

HB 145, relative to the healthy kids corporation. (Hunt, Ches 7; O'Neil, Rock 15; Estabrook, Dist 21: Commerce)

HB 146, establishing a commission to study health care delivery at the Veterans Administration Hospital. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8; Introne, Rock 3; Albert, Straf 1; Hassan, Dist 23: State-Federal Relations and Veterans Affairs)

HB 147, relative to the death penalty. (Vaillancourt, Hills 15; Pilliod, Belk 5; Splaine, Rock 16: Criminal Justice and Public Safety)

HB 148, transferring the New Hampshire estuaries project from the department of environmental services to the university of New Hampshire. (Gillick, Rock 15; Weare, Rock 14; M. Blanchard, Rock 16; S. Francoeur, Rock 15; Fuller Clark, Dist 24: Resources, Recreation and Development)

HB 149-FN, prohibiting the use or installation of radar scrambler devices in motor vehicles. (P. Smith, Rock 3; Dumaine, Rock 3; Waterhouse, Rock 4; Bettencourt, Rock 4: Transportation)

HB 150, defining truancy. (Snyder, Straf 2: Education)

HB 151, requiring school districts to develop a school age nutrition and physical activity committee. (Price, Hills 26; French, Merr 5; Miller, Straf 7; Carter, Hills 3; Foster, Dist 13; Larsen, Dist 15; Odell, Dist 8: Education)

HB 152-FN, requiring heating oil sellers to purchase biodiesel. (W. P. Campbell, Straf 3; Essex, Hills 1; Rous, Straf 7; Flanders, Dist 7: Science, Technology and Energy)

HB 153-FN, relative to the collection of debts owed to the state. (Mooney, Hills 19; R. L'Heureux, Hills 19; Hinkle, Hills 19; Gibson, Hills 19; Roberge, Dist 9; D'Allesandro, Dist 20: Executive Departments and Administration)

HB 154, relative to changes of party registration on primary day. (Hunter, Hills 7; Manney, Hills 7: Election Law)

HB 155, relative to bail conditions. (Dumaine, Rock 3; Hagan, Hills 17: Judiciary)

HB 156, relative to licensing private investigators. (Dumaine, Rock 3; Hagan, Hills 17: Executive Departments and Administration)

HB 157, establishing a study committee to review contracting practices for public works. (Infantine, Hills 13; Slocum, Hills 6; Graham, Hills 18: Public Works and Highways)

HB 158, relative to the Auburn District Court. (Weldy, Rock 2; Bishop, Rock 2; Forsing, Rock 2; Nowe, Rock 9; Buxton, Rock 10; Barnes, Dist 17: Judiciary)

HB 159, relative to insurance coverage for persons having deafness and hearing loss. (MacKay, Merr 11; Pilliod, Belk 5; Batula, Hills 19; D'Allesandro, Dist 20; Martel, Dist 18: Commerce)

HB 160, naming a certain bridge on New Hampshire Route 3 between Pembroke and Allenstown. (Rush, Merr 7; Greco, Merr 7; Field, Merr 7; Yeaton, Merr 8; Larsen, Dist 15; Barnes, Dist 17: Public Works and Highways)

HB 161, relative to vacancies in the office of United States senator. (Wendelboe, Belk 1: Executive Departments and Administration)

MOTION TO VACATE

Rep. Packard moved that the House vacate the reference of **HB 90**, relative to private driving instruction and exhibition facilities, to the Committee on Transportation.

Rep. Weyler spoke in favor.

Motion adopted.

The Speaker referred **HB 90**, relative to private driving instruction and exhibition facilities, to the Committee on Municipal and County Government.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess until Thursday, January 6, 2005 at 11:00 a.m.

The House recessed at 11:00 a.m.

Adopted.

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 3

Thursday, January 6, 2005

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Lord of all meteorological grace and control, we ask that You send enough snow to our beloved New Hampshire today that we may realize a modest economic benefit for all our citizens without hampering the safe travel of those who join us on this historic day. Bless this honorable House, its work, and all its members and staff. Bless those who stand guard to protect us, comfort the wounded, and receive those who have given the ultimate sacrifice of their lives that we may remain free. Amen.

LEAVES OF ABSENCE

Reps. Bickford, Richard Cooney, Dyer, Golding, Schmidt and Stepanek, the day, illness.

Reps. Stephanie Eaton, Klose, Millham, Rausch and Sorg, the day, important business.

Reps. Bouchard and Butynski, the day, illness in the family.

INTRODUCTION OF GUESTS

Frances Dionne, Quebec's Delegate to New England, recently appointed to the Quebec Government Office in Boston, MA, guest of Rep. King. Kelsey Plifka, daughter of Rep. Plifka.

RESOLUTION

Reps. Weyler and Phinizy offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, for the Inauguration of the Governor and for the taking of the oath by the Executive Council.

Adopted.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, the Inauguration of the Governor and the taking of the oath by the Executive Council.

JOINT CONVENTION

(Speaker Scamman presiding)

The Sergeant-at-Arms introduced the Honorable Senate and Senate President, Thomas R. Eaton from Keene.

REPORT

Sens. Clegg and Larsen and Reps. Dickinson, Robert Johnson and Lefebvre offered the following report: The Joint Committee appointed to compare and count the votes for Governor and Executive Council reports that it has attended to its duties and the vote is correct.

INTRODUCTION AND SEATING OF SPECIAL GUESTS

The Sergeant-at-Arms introduced the following who were escorted to their seats by the Governor's Military Staff:

The family and friends of Governor-elect Lynch. The Governor-elect's office and transition staff. Mayors Hon. Michael Donovan of Concord and Hon. Robert A. Baines of Manchester. Commissioners and Department Heads. State Treasurer Michael A. Ablowich. Secretary of State William M. Gardner. House Leadership. Representatives of state and local law enforcement: Troopers First Class John Cody and Louis Copponi, Atkinson Police Chief Philip Costinino, Hopkinton Chief David Wheeler and Lincoln Chief Ted Smith. Attorney General Kelly Ayotte. Honorable Edwin

W. Kelly, Chief Judge of District Courts. Honorable Robert Lynn, Chief Judge of Superior Courts. Honorable John R. Maher, Chief Judge of Probate Courts. The Associate Justices of the Supreme Court: Hon. Joseph P. Nadeau, Hon. Linda S. Dalianis, Hon. James E. Duggan and Hon. Richard Galway. Chief Justice of the Supreme Court, Hon. John T. Broderick, Jr. Former Ambassador, Hon. Terry Shumaker and Mrs. Polly Shumaker. Former Governors: Hon. Walter Peterson and Mrs. Dorothy Peterson, Mrs. Gayle Thompson, wife of former Governor Melvin Thomson escorted by her son Rob Thomson, Hon. John H. Sununu and Mrs. Nancy Sununu, Hon. Stephen E. Merrill and Mrs. Heather Merrill, Mr. William H. Shaheen, husband of Hon. Jeanne C. Shaheen, Hon. Craig Benson. The Reverend Clergy. Executive Councilors Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, and Raymond J. Wiczorek and Councilor-elect Debora B. Pignatelli. Jackie, Julie and Hayden Lynch, daughters and son of Governor-elect Lynch. Governor-elect John H. Lynch and Dr. Susan Lynch.

INVOCATION

Offered by House Chaplain, The Reverend Hays M. Junkin, Rector of St. Andrew's Episcopal Church in Hopkinton.

Lord of all, whose heart is compassion, we ask Your blessing upon our beloved New Hampshire, and particularly upon this inaugural celebration. May Your spirit be upon John, our Governor-elect, and his family as he assumes the duties and burdens that we have entrusted to him.

As we remember today the journey of the Magi who brought gifts of gold, frankincense and myrrh to an unlikely King, empower all of us who are blessed to live in peace and prosperity to place our gifts of dedication, sacrifice and generosity at the service of those who most need a helping hand. May we follow in the footsteps of Your compassion and be remembered not for our success, but for our faithfulness to Your will.

As always we ask that Your protective hand be upon those who stand guard to protect us, comfort those who are wounded, and receive those who have given their lives that we may remain a free people. Amen.

POSTING OF COLORS

Members of the New Hampshire National Guard, Sergeant First Class Gordon Butcher, Sergeant First Class Martin J. Wyman, Sergeant First Class Duane Hinxman and Specialist Brandon J. Westgate, dressed in colonial and traditional uniforms, posted the Colors.

PLEDGE OF ALLEGIANCE

Brigadier General Kenneth Clark, the Adjutant General, led the Pledge of Allegiance.

NATIONAL ANTHEM

The National Anthem was sung by Peggo Horstmann Hodes from Concord.

PRAYER

A Prayer for Peace and Thanksgiving was offered by The Reverend Gayle A. Murphy, Pastor of the Northwood Congregational Church.

Gracious God, Creator of Life and our source of strength in times of challenge, this morning we are thankful for You. Thank You for the beauty of this State seen in its mountains topped with snow, its rivers bordered with fertile land, lakes which restore our souls and the sea which beckons us beyond ourselves. Thank You that this is the state where we find ourselves and are building our lives. Thank You, God, for the strength of its people, resourceful, caring and capable, all of which are important to You. Today we thank You for the people willing to serve this state and its citizens, the representatives and senators faced with difficult decisions coming here with creative options, chosen by the people to be their voice. Thank You for the people who work for this state, O God, carrying out laws and mandates, but more importantly, serving the people with their hard work and commitment to the common good. We thank You, God for the man about to become governor, committed to hard work, creative thinking and the core values of integrity and commitment. We pray for our elected officials, appointed, hardworking state workers and the governor, that You will lead them in their work and guide them in their challenges and triumphs. Instill in them a spirit of justice that watches out for the least of our state residents. Hold them to the higher standard of the common good which helps them find common ground in their differences. For today, God, is a day of hope and possibility. A day we claim You are a part of because

You are about commitment to one another and new beginnings. We take time in the midst of celebration and commitment to celebrate a change of government brought about in peace and by the choice of the people. We acknowledge the best of what can come out of commitment to Your ideals of righteousness and justice and we claim that You are present in the spirit, action and faith of the people gathered here. Thank You, O God, for Your many blessings and the hope of this day. We pray this through our faith in You. Amen.

OATHS OF OFFICE

The Honorable John T. Broderick, Jr., Chief Justice of the New Hampshire Supreme Court, administered the oath of office to Governor-elect John H. Lynch. Dr. Susan Lynch, Jackie, Julie and Hayden Lynch joined the Governor on the rostrum.

Governor Lynch administered the oath of office to the Honorable Executive Councilors-elect Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Raymond J. Wieczorek and Debora B. Pignatelli.

PRAYER

A Prayer for a Successful Administration was offered by Rabbi Edward S. Boraz, Ph.D., Michael Steinberg '61 Dartmouth College Hillel.

Source of all being, bestow Your blessing upon Governor John Lynch, the members of his administration, the legislature and our judiciary. May You grant them the understanding to lead our people to realize a vision of promise and fulfillment for our Granite State. The prophet Isaiah, in teaching that which God desires most from us, stated, "It is to unlock the fetters of wickedness, it is to let the oppressed go free, to share our bread with the hungry, to take the wretched poor into our home, that when we see those who are naked, to clothe them. Then shall our light burst through like the dawn. If we banish the yoke from our midst, the menacing hand, the evil speech, when we will offer our compassion to the hungry, then our light will shine in darkness and our gloom shall be like midday."

May Governor John Lynch, his administration, members of our legislature and judiciary be guided in these ideals of fairness, charity, and goodwill. May they be sensitive in helping to ensure that each child receives a quality education, that the poor, the disabled and the homeless are provided for, and that equality under the laws of our state and under the Constitution of the United States of America remain foremost in their consciousness. The poet Robert Frost once said, "The religious person is never quite certain that his or her actions are right in the eyes of God." His words echoed the words of the prophet Micah, "All that God seeks from us is that we pursue that which is just. That we are committed to acts of loving kindness and that we walk humbly before the divine presence." May our Governor and those who serve our great State of New Hampshire be guided by these principles of humility and loving kindness so that a new light should break forth from among the peoples of New Hampshire. Then shall we be deserving of the blessings and the bounty that have been set forth before us. Amen.

POEM

New Hampshire Poet Laureate Cynthia Huntington presented her poem entitled "Canaan."

*This one is for the lake
with the kids and families swimming
at nine o'clock, last light in the sky,
its blues and whites growing thoughtful,
not yet dark, but patched with meaning ...
Night is meaning, wants to be truth,
will cover the strip of beach
ending in grass, the painted floats
marking off a square for the swimmers,
away from the boat landing
where a girl in a blue tanksuit
stands in water to her knees, thinking.
The bathhouse is open, catching dark;
the swimmers can still see themselves
and one another: clear, simple shapes*

*except for the blindfolded one
 spinning, crying, "Marco! Marco!"
 and the answers soft, elusive: "Polo."
 Soon they will all be blind,
 but they'll come in before that. Fold up towels
 and beach chairs, get into their cars and drive off.
 This is for the lake, which keeps on
 taking darkness into itself, beginning
 with the mountains, their shadows diving in,
 reflections that try to touch bottom
 but float up to the surface. For the lake,
 whose water is warm, moving against
 the whole shore of itself, that small
 impulse from the center. For the shore
 where boats are tied, where paths come down
 between pines, the bank crowded with trees.
 For the lake, its water, a surface reflecting
 motion, quiet below. For how it is always here.
 Through summers. January ice. With beaches
 or overgrown. Once not discovered. Then settlements
 beside it, farms. War on the radio. Still, it gives up
 its surface to the sky; by night
 it is night, and by day night lies hidden in it,
 under boats, under rocks, under roots, in the still
 darkness at the center, sparkling
 and throwing back light as the lake looks up
 through itself into the world. Clouds, mountains, trees
 the cool of evening
 settling down to touch, just touch
 the calm skin of the water, trembling inside.*

MUSICAL INTERLUDE

Members from the 7th and 8th grade Hopkinton Middle School Chorus, with teacher, Barbara Jenkins and accompanied on guitar by Paul Silverman, sang "Life Uncommon."

INAUGURAL ADDRESS

Governor John H. Lynch delivered his Inaugural Address.

Thank you all so much. Mr. Speaker, Mr. President, Mr. Chief Justice and members of the Judiciary, honorable members of the House, Senate and Executive Council, and my fellow citizens. In a ceremony as old as our constitution, here in this historic building, with my hand on the Holy Bible, I have taken a solemn oath as governor to serve the people of this great state. This oath represents a sacred trust – a trust placed under my care by the people of New Hampshire, to whom I make this pledge in return: Every day, in everything I undertake on your behalf, I will do my best to prove myself worthy of that trust. The citizens of New Hampshire expect and deserve a government as clean as our mountain streams and as open as our blue skies. Today, let us pledge together to make this government – the people's government – clean, open and honest.

Let me introduce four very special people: My wife, Dr. Susan Lynch, the love of my life and my best friend for close to 30 years; my daughter, Jackie, now a freshman in college; my daughter Julia, a sophomore at Hopkinton High School; and my son, Hayden, a future UNH hockey player and now a student at the Maple Street School. Without their love and support, I would not be here today.

Let us, too, take a moment to remember the many New Hampshire men and women serving overseas in our armed forces. We are thankful for their sacrifice, their extraordinary courage and service. Let us pray together for their safe return to the families who love them, and to the state that admires them so much.

And we mourn the tremendous loss of life from the Indian Ocean tsunami. With this tragedy, we are reminded again that citizens of the world are more closely connected than ever before.

Those of us here behind the podium represent the political landscape of New Hampshire. Senator Eaton, a Republican – elected from the most Democratic county in the state. Speaker Scamman, also a Republican – selected to preside in this House by Representatives from both parties. Chief Justice Broderick, a Democrat – nominated by a Republican governor and confirmed by a Republican Executive Council. And I am a Democrat who could never have been elected governor without the support of so many Republicans and Independents.

Some might wonder what in the world the voters were thinking about when they put us all here together. I think I know exactly what they expect. They expect us to shake hands and then go to work – together – for all of New Hampshire. Let's not disappoint them. We will not agree on every issue. But let us respect those differences and respect one another. Let us recognize that we do not serve an ideology or a political party. We serve the people. We serve children who deserve a quality education. We serve families who need affordable health care. We serve seniors who have earned a secure and dignified retirement. We serve men and women who simply want a decent job. I promise you and all the people of New Hampshire this: my door will always be open, and no governor could be more willing than I am to join you in addressing the issues facing our state. More than 30 years ago, I came to this great state and entered the freshman class at the University of New Hampshire. That moment changed my life. Thanks to the people of New Hampshire and our university, it was possible for a kid like me, the fifth of six children from a working class family in a small New England town, to get a college education. I also learned something very important. I learned that New Hampshire was where I wanted to make my home and raise my family.

I love New Hampshire – for our beautiful mountains and lakes and seashore; for the special, intimate quality of life in our cities and towns; for the way everyone somehow gets to know each other, no one is a stranger for long, and everyone chips in to help whenever someone else needs it the most. That is the New Hampshire way. We know the New Hampshire spirit. It is because of our faith in that spirit that we can come together now to address our challenges and make progress on the important issues that we face.

Let me be clear. I am not here to advocate for more government, but better government, and that starts with open, ethical, honest government. The people of New Hampshire expect the highest standards of ethics and integrity from us, their elected officials. The only interest we should be considering are the people's interests.

But we can't just say the words. We must prove it with our deeds. Tomorrow – my first full day as governor – I will issue an Executive Order requiring everyone who works for the Governor's Office, regardless of title or pay, to file a financial disclosure. In choosing my nominations and appointments, I will have one simple test in mind: who will do the best job for New Hampshire. I will require all my nominees to meet the highest standards, to file financial disclosures and to disclose any potential conflict of interest.

And I will propose legislation creating an independent ethics commission to investigate ethics complaints against executive branch appointees and to toughen penalties for violating our state ethics code. An ethics commission, by itself, will not guarantee the good behavior of public servants. Our own individual integrity is the only sure guarantor of that. But such a commission will hold us to the highest standards. Our citizens deserve nothing less.

Integrity is also about how you treat people. I am not a man who values people based on their titles or their wealth. I value people based on their character, on their effort and on their perseverance in difficult circumstances. For example, it is the state employees of New Hampshire who make this government work even in the toughest of times. I will be a governor who respects our state employees. I intend to lead an administration that honors the trust given to us by the people of New Hampshire.

That means we must be honest with our citizens about the challenges we face. We must face the hard truth about the state budget. We are inheriting a large deficit, 300 million dollars. As a state, we must decide what we want to do and how we can do it better. I am in the process of zero-basing every department budget, requiring every department to justify every penny they spend, starting from zero. And, in February, I will present this legislature an honest and balanced budget that reflects our values and our priorities as a state.

And let me be clear: I will veto an income or sales tax.

As a businessman, I made the difficult decisions necessary to save a failing company. But I also learned that you can keep an eye on the bottom line and still look out for people. And that's what I will do as your governor.

Education – from kindergarten through college – is the most important investment we can make in our children and in our state's economic future. We must improve our schools, make sure more of our children graduate from high school and that more go on to college. But we cannot improve quality if we continue as a state divided, if we spend every year re-fighting school funding, if we are constantly changing the rules on communities.

It's time for a fresh approach to education funding – an approach that allows us to once again focus on improving quality, directs more state aid to the communities that need it the most, and eliminates the statewide property tax and donor towns. I will present such a school-funding plan and I will work with all of you for a fair and lasting solution. I do not care who gets the credit, and neither do the people of New Hampshire. They just want this solved. And it is up to all of us to live up to that responsibility – this year.

Improving public education is the best long-term strategy for strengthening our economy. But there are other immediate steps we must take: promoting trade so that our businesses can sell their products across the world; investing in tourism promotion to help attract visitors to New Hampshire. And we must address the number one issue facing our businesses, the soaring cost of health insurance. Too many of our families are one sickness away from financial catastrophe. Too many of our children are without health care at all. Health insurance premiums for too many of our small businesses have skyrocketed so high that investment is stifled, hiring curtailed and economic growth stymied.

Although passed with good intentions, Senate Bill 110 is not working. Delaying action won't make this law better, or its impacts on our businesses and workers any less severe. We must repeal SB 110 now. But repealing SB 110 is just the beginning of the discussion and not the end. The health care cost increases that we are experiencing are not sustainable. I will appoint a task force on health care to bring together consumers, providers, business leaders, and elected officials to recommend innovative solutions. Working together, I believe that we can and will make our system more affordable and better for all of our citizens.

Children with access to health care do better in school and later on in life. Preventative health care is simply less expensive than remedial care. Providing children with health insurance is not only the right thing to do, it's the smart thing to do. And as governor, I will work to make sure we enroll every eligible child in our Healthy Kids children's health insurance program.

We cannot discuss investing in our state's future without talking about protecting our beautiful, natural environment. It is part of why we all love and live in New Hampshire. And it is one of our state's most important economic assets. As New Hampshire grows, we must fight to protect our environment and quality of life – our open spaces, our lakes and seashore, our groundwater and clean air. Let us together ensure the environment we pass on to our children is better than the one passed on to us.

I recognize that a governor's most fundamental responsibility is to protect the health and safety of our citizens. That responsibility is even greater after September 11th. Every day our state troopers, our local police officers, our firefighters, our EMTs and our other first responders are out working to protect us. First, let us say to them, thank you for everything you do. Second, let me say that as governor, I will work to make sure that you have what you need to do your jobs and to do them safely. I will work with you, with our neighbors across New England and in Canada, with the federal government and with businesses to make sure New Hampshire is protected and prepared. Finally, New Hampshire's tradition of citizen involvement is one of our state's most cherished attributes – from helping organizations like the United Way or Red Cross to serving on town boards and commissions, from volunteering time to coach children's athletic teams to assisting seniors living in nursing homes. As governor, I intend to give these efforts greater recognition, and especially to encourage our young people to devote more time to community service.

The citizens who elected us expect us not just to represent them on issues of importance, but to represent their highest ideals for the state they love – to cherish and protect New Hampshire's long and hard-earned reputation for open government, responsive government and honest government. We must not let them down.

No one understood this better than Daniel Webster, New Hampshire's great statesman and orator, who dedicated his life to public service and to preserving democratic government. His portrait hangs on the wall of this chamber and watches over all of us today. Daniel Webster said, "A sense of duty pursues us ever. It is omnipresent, like the Deity." No matter where we go, Webster said, "duty performed or duty violated is still with us."

Throughout our common history runs a common theme. Our duty is to the people, not to ourselves, not to a political party. Whether we are elected or appointed, members of the executive, legisla-

tive, or judicial branches of government, here in New Hampshire we hold ourselves to a higher standard. We believe that public service is an honor and a privilege.

We realize that this historic structure is more than a building where people meet each year to debate issues and cast votes on legislation. This State House is also the symbol of New Hampshire and we are its temporary custodians, with the solemn responsibility to ensure that it – and everything it represents – is never tarnished by anything we do.

That is the New Hampshire way. Let us take it together.

Thank you very much.

BENEDICTION

Reverend Edward J. Arsenault, Moderator of the Curia, the Diocese of Manchester, offered the Benediction.

Gracious and merciful God, You have shown us such great love by fashioning each person with these singular powers in our soul; understanding to know You, memory to keep You in mind, to hold You within ourselves, will to love You more than anything else. Therefore, we offer You praise and thanksgiving for having shown us Yourself and in making us in Your own image and likeness. This sacred trust begins from the moment of conception until one's life meets its natural end and we return to You. Every person is made to serve You and others. You challenge all of us to promote what is best for all – the common good. In a particular way, those we elect as leaders are charged with public service. They must seek out the delicate balance between individual rights and the fulfillment of what best serves all in their words and deeds. For as Saint Luke reminds us of the words of the Lord, "The measure with which we measure will be measured back to us." May Governor Lynch, his Council, the members of the General Court and our Judiciary be faithful servants of the common good.

You've endowed our new Governor with many personal talents and an ability to see and nourish such gifts in others. Inspire his vision and his resolve to work for the good of all by building consensus among leaders as he begins his public service to the people of New Hampshire today. May the gift of faith inspire him, may his vision for our state continue to be hopeful, may his efforts to serve us be rooted in a profound sense of Your love for every human person and in Your call that we love one another. In this spirit, may all that we do be begun by You and by You be brought to fulfillment, now and forever. Amen.

Rep. O'Neil and Sen. Clegg moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

Trumpeters Robert Couturier of Manchester and Thomas Lavoie of Farmington performed as the guests exited the chamber.

RECESS

HOUSE SESSION

(Rep. Weyler in the Chair)

The House reconvened at 1:05 p.m.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 162 through 186, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 162, establishing boating speed limits for Lake Winnepesaukee. (Pilliod, Belk 5; Emerson, Ches 7: Resources, Recreation and Development)

HB 163, establishing a committee to study the provision of education through the county government system. (Wendelboe, Belk 1: Municipal and County Government)

- HB 164**, relative to the use of chelating agents or chelation drug therapy for the treatment of medical conditions. (Slocum, Hills 6: Health, Human Services and Elderly Affairs)
- HB 165**, relative to cellular telephone use during motor vehicle operation. (Scanlon, Hills 18; Roberge, Dist 9: Transportation)
- HB 166**, relative to notice of driver's license suspension or revocation. (Scanlon, Hills 18; Roberge, Dist 9: Transportation)
- HB 167**, relative to mail-in rebates for merchandise purchased within the state. (Scanlon, Hills 18; Roberge, Dist 9: Commerce)
- HB 168**, relative to the licensure of electrologists and establishing an electrology advisory committee. (Pilliod, Belk 5; Emerson, Ches 7: Executive Departments and Administration)
- HB 169-FN-A**, relative to completion of a sidewalk on Hazen Drive in the city of Concord and making an appropriation therefor. (Bouchard, Merr 11; R. Williams, Merr 11; Reardon, Merr 11; DeJoie, Merr 11; MacKay, Merr 11; Larsen, Dist 15: Public Works and Highways)
- HB 170**, relative to unemployment compensation. (Bishop, Rock 2: Labor, Industrial and Rehabilitative Services)
- HB 171**, relative to nicknames on ballots. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Soltani, Merr 8: Election Law)
- HB 172**, relative to periodic review of state contracts by the legislative fiscal committee. (P. Smith, Rock 3; Matthew Quandt, Rock 13; Phinizy, Sull 5: Finance)
- HB 173**, relative to food service and distribution. (Pilliod, Belk 5; Emerson, Ches 7: Health, Human Services and Elderly Affairs)
- HB 174**, relative to renewable energy transition service and the extension of a portion of the system benefits charge. (Maxfield, Merr 6; Gatsas, Dist 16: Science, Technology and Energy)
- HB 175**, relative to divestiture of PSNH generation assets. (Maxfield, Merr 6: Science, Technology and Energy)
- HB 176**, relative to the provision of rental and lease information of commercial and industrial property to assessing officials. (Zolla, Rock 5; Introne, Rock 3: Municipal and County Government)
- HB 177**, relative to home improvement contracts. (Slocum, Hills 6; Infantine, Hills 13: Commerce)
- HB 178**, requiring disclosure of documents prior to a residential real estate closing. (Slocum, Hills 6: Commerce)
- HB 179-FN**, permitting certain hunting activities on one's own land without a license. (Nowe, Rock 9: Fish and Game)
- HB 180**, relative to appeals of decisions relating to current use taxation. (Philbrick, Carr 2: Municipal and County Government)
- HB 181**, establishing a committee to study the special account in the New Hampshire retirement system. (O'Neil, Rock 15; Zolla, Rock 5; Dodge, Rock 9; Fitzgerald, Belk 4: Executive Departments and Administration)
- HB 182**, establishing a committee to study campaign contributions and lobbying practices. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8; Clegg, Dist 14; Hassan, Dist 23: Legislative Administration)
- HB 183**, relative to nomination of political candidates. (Clemons, Hills 24; Franklin, Sull 2; D. Cote, Hills 23: Election Law)
- HB 184**, eliminating straight ticket voting. (Clemons, Hills 24; Lasky, Hills 26; C. Chase, Hills 2; Foster, Dist 13: Election Law)
- HB 185**, establishing a committee to study the unique nature of geothermal properties capable of supporting energy for production. (Cataldo, Straf 3; Phinizy, Sull 5; Green, Dist 6: Science, Technology and Energy)
- HB 186**, establishing a committee to study the quality and delivery of nursing care to persons in nursing facilities or receiving home and community-based care. (Gile, Merr 10; Gargas, Hills 5; Bouchard, Merr 11; Larsen, Dist 15: Health, Human Services and Elderly Affairs)

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and when the House adjourns today it be to meet Wednesday, January 26, 2005 at 1:00 p.m.

Adopted.

LATE SESSION**RECESS MOTION**

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills only.
Adopted.

The House recessed at 1:15 p.m.

RECESS

(Rep. Spang in the Chair)

RESOLUTION

Rep. DeJoie offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 187 through 199, 201 and 202, House Joint Resolution numbered 1, House Concurrent Resolution numbered 2, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HJR and HCR**First, second reading and referral**

HB 187, allowing municipalities to adopt a property tax cap for persons 80 years of age and older. (Hofemann, Straf 6; Brassard, Hills 17: Municipal and County Government)

HB 188-FN, restricting the amount of account information on credit card receipts. (Dickinson, Carr 1; Phinizy, Sull 5; Merrow, Carr 3; M. Smith, Straf 7; Gallus, Dist 1; Kenney, Dist 3; Estabrook, Dist 21: Commerce)

HB 189, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. (Weed, Ches 3; Pratt, Ches 2; P. Allen, Ches 6: State-Federal Relations and Veterans Affairs)

HB 190, relative to the installation of continuous emission monitoring systems on stationary air pollution sources and devices. (C. Hamm, Merr 4; Phinizy, Sull 5; Holden, Hills 7; Cataldo, Straf 3; Keans, Straf 1; Odell, Dist 8; Green, Dist 6; Larsen, Dist 15; Hassan, Dist 23: Science, Technology and Energy)

HB 191-FN, relative to using school building aid for leased classrooms. (Weyler, Rock 8; Alger, Graf 6; Barnes, Dist 17; Gatsas, Dist 16: Education)

HB 192, establishing a committee to study medical malpractice. (Dickinson, Carr 1; Merrow, Carr 3; Pilliod, Belk 5; Clegg, Dist 14; Gallus, Dist 1; Estabrook, Dist 21: Judiciary)

HB 193, relative to efficient renewable energy programs. (Infantine, Hills 13; Hirschmann, Hills 17: Science, Technology and Energy)

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry. (Almy, Graf 11; Ingram, Rock 4; Boyce, Dist 4; Odell, Dist 8; D'Allesandro, Dist 20: Science, Technology and Energy)

HB 195, establishing a committee to study the department of insurance and whether it should be combined with any other agency. (Marshall Quandt, Rock 13; Clegg, Dist 14: Executive Departments and Administration)

HB 196, establishing a committee to study awarding of the bid for health insurance for state employees. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Hassan, Dist 23; Clegg, Dist 14: Commerce)

HB 197, decriminalizing marijuana. (T. Robertson, Ches 3; Weed, Ches 3: Criminal Justice and Public Safety)

HB 198, allowing municipalities to adopt a property tax credit for persons aged 65 and older calculated by freezing their property assessments. (McKinney, Rock 3; Introne, Rock 3: Municipal and County Government)

HB 199, relative to fish and game department expenditures for marine fisheries. (Abbott, Rock 12; R. L'Heureux, Hills 19: Fish and Game)

HB 201, establishing a study committee to consider amending voter identification and public assistance requirements as a means of discouraging illegal voting and illegal access to public assistance. (Renzullo, Hills 27; Buhlman, Hills 27; Boehm, Hills 27; Ulery, Hills 27: Election Law)

HB 202, establishing a commission to study options for reducing the impact of exhaust emissions from mobile diesel engines. (Ross, Hills 3; Bleyler, Graf 9; Kaen, Straf 7: Science, Technology and Energy)

HJR 1, recognizing that Kittery, Berwick, and the Piscataqua River are within the boundaries of the state of New Hampshire. (Marple, Merr 9; Ingbretonson, Graf 5: State-Federal Relations and Veterans Affairs)

HCR 2, declaring October 27 to be Boston Red Sox Day. (P. Smith, Rock 3; F. Sullivan, Hills 12; Matthew Quandt, Rock 13; G. Katsakiores, Rock 5; Letourneau, Dist 19: Legislative Administration)

RECESS

(Speaker Scamman in the Chair) COMMITTEE ASSIGNMENTS

The Speaker made the following assignments:

Rep. Eugene W. Kelly, Jr. on Transportation

Rep. Michael J. Scanlon off Transportation; on Public Works and Highways

Rep. Sandra B. Keans off Public Works and Highways; on Resources, Recreation and Development

Rep. David J. Bettencourt off Resources, Recreation and Development; on Children and Family Law

Rep. Elbert I. Bicknell on Criminal Justice and Public Safety

RECESS

(Rep. Weyler in the Chair)

RESOLUTION

Rep. Mears offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 203 through 223 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 203-FN, relative to the use of tracking devices in consumer products. (Dickinson, Carr 1; M. Smith, Straf 7; Phinizy, Sull 5; Merrow, Carr 3; Gallus, Dist 1; Kenney, Dist 3: Commerce)

HB 204-FN, relative to unauthorized video surveillance. (R. L'Heureux, Hills 19; Berube, Straf 2; Kurk, Hills 7; Knowles, Straf 6; Stevens, Carr 4; Johnson, Dist 2; Martel, Dist 18; Roberge, Dist 9: Criminal Justice and Public Safety)

HB 205, relative to licensing requirements for certain drivers. (Winchell, Rock 6; Tholl, Coos 2; Stevens, Carr 4; Weare, Rock 14; Morse, Dist 22: Transportation)

HB 206, relative to alcohol education and abuse prevention and treatment programs. (Kathleen Taylor, Straf 4; Butynski, Ches 4; Craig, Hills 9; Pilliod, Belk 5; Fuller Clark, Dist 24; Estabrook, Dist 21; Larsen, Dist 15; Odell, Dist 8; Hassan, Dist 23: Health, Human Services and Elderly Affairs)

HB 207-FN, relative to the appointment of a guardian ad litem in adoption proceedings. (B. Richardson, Ches 5; Julie Brown, Straf 1; Pratt, Ches 2; Dokmo, Hills 6: Children and Family Law)

HB 208-FN, relative to criminal penalties for possession of a firearm in a safe school zone. (O'Neil, Rock 15; Winchell, Rock 6; Stone, Rock 1: Criminal Justice and Public Safety)

HB 209-FN, relative to unborn victims of violence. (W. P. Campbell, Straf 3; P. Smith, Rock 3; Wendelboe, Belk 1: Criminal Justice and Public Safety)

HB 210-FN, relative to the determination of absence and return of contributions of members of the retirement system. (Zolla, Rock 5; Flanders, Dist 7: Executive Departments and Administration)

HB 211, relative to the sale of lead fishing sinkers and jigs and establishing a study committee on New Hampshire's loon population. (Gibson, Hills 19; Cataldo, Straf 3; L. Christiansen, Hills 27; Lawrence, Hills 27: Fish and Game)

HB 212, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather. (B. Williams, Graf 8; Dorsett, Graf 8; Maybeck, Graf 8; Reeves, Hills 8; Johnson, Dist 2: Transportation)

HB 213, relative to nomination of officers in the house of representatives. (Itse, Rock 9: Legislative Administration)

HB 214, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings. (Kirk, Hills 7; Cady, Rock 1; Boyce, Belk 5: Children and Family Law)
HB 215-FN, relative to water management. (R. Cooney, Rock 4; Spang, Straf 7; Babson, Carr 3; Bettencourt, Rock 4; Johnson, Dist 2; Green, Dist 6; Larsen, Dist 15: Resources, Recreation and Development)

HB 216-FN, relative to the authority of the New Hampshire retirement system to purchase supplies and services. (Zolla, Rock 5; Flanders, Dist 7: Executive Departments and Administration)

HB 217, relative to liability of third persons under workers' compensation. (Hunt, Ches 7; Giuda, Graf 5; Slocum, Hills 6; Flanders, Dist 7: Commerce)

HB 218-FN-L, relative to the apportionment of county taxes to municipalities. (Patten, Carr 4; Stohl, Coos 1: Municipal and County Government)

HB 219, relative to permitting audio and video recording on school buses. (Winchell, Rock 6; Welch, Rock 8; Packard, Rock 3; Knowles, Straf 6; Movsesian, Hills 22; Stevens, Carr 4; Letourneau, Dist 19; Morse, Dist 22: Education)

HB 220, establishing a committee to study the ability of homeless youth in New Hampshire to make a successful transition to adulthood. (E. Blanchard, Merr 10; MacKay, Merr 11; Larsen, Dist 15: Children and Family Law)

HB 221, relative to eligibility for absentee ballots. (Nordgren, Graf 9; D. Eaton, Ches 2; Drisko, Hills 5; S. Francoeur, Rock 15; Burling, Dist 5: Election Law)

HB 222-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system. (Zolla, Rock 5: Executive Departments and Administration)

HB 223, relative to the procedure for assignment of juvenile probation and parole officers. (Itse, Rock 9: Children and Family Law)

RECESS

(Rep. Weyler in the Chair)

RESOLUTION

Rep. Craig offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 224 through 237, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 224-FN, relative to the collection of data on hospital-acquired infection rates. (Kathleen Taylor, Straf 4; Marshall Quandt, Rock 13; Matthew Quandt, Rock 13: Health, Human Services and Elderly Affairs)

HB 225, relative to liability for the use of municipal ski jump facilities. (Rodeschin, Sull 2; Jillette, Sull 2; Dickinson, Carr 1; Odell, Dist 8; Flanders, Dist 7: Judiciary)

HB 226-FN, relative to the provision of loss information to employers. (Carter, Hills 3; Flanders, Dist 7: Commerce)

HB 227, relative to undeclared voters at primary elections. (Vaillancourt, Hills 15: Election Law)

HB 228-FN, prohibiting cellular telephone directories in New Hampshire. (Dickinson, Carr 1; Phinizy, Sull 5: Criminal Justice and Public Safety)

HB 229, extending the committee to study the establishment of a farm viability program. (Burton Williams, Graf 8; Babson, Carr 3; Owen, Merr 4; Rous, Straf 7; Barnes, Dist 17: Environment and Agriculture)

HB 230-L, relative to default budgets. (Boehm, Hills 27; Renzullo, Hills 27: Municipal and County Government)

HB 231, establishing a commission to study issues relating to personal privacy. (Ryan, Merr 2: Judiciary)

HB 232, establishing a commission to recodify the election laws. (Cady, Rock 1; Kennedy, Merr 4; Newton, Straf 1: Election Law)

HB 233-FN-L, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school. (Phinizy, Sull 5; Ferland, Sull 5; Burling, Dist 5: Municipal and County Government)

HB 234-FN, relative to the development of a closed state municipal information network by the office of information technology. (Maxfield, Merr 6: Executive Departments and Administration)
HB 235, relative to age-based motor vehicle insurance premiums. (Manney, Hills 7; Hunter, Hills 7: Commerce)

HB 236, relative to the time for filing a motion to rehear a zoning decision. (Gillick, Rock 15: Municipal and County Government)

HB 237, relative to telephone rate disclosure. (Bergin, Hills 6; Dokmo, Hills 6: Commerce)

RECESS

(Rep. Marjorie Smith in the Chair)

RESOLUTION

Rep. Norelli offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 238 through 248, and Constitutional Amendment Concurrent Resolution numbered 9 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and CACR

First, second reading and referral

HB 238-FN, relative to the use of marijuana for medicinal purposes. (T. Robertson, Ches 3; Weed, Ches 3: Health, Human Services and Elderly Affairs)

HB 239-FN, relative to certification of shampoo assistants by the board of barbering, cosmetology and esthetics. (N. Allan, Hills 26; Patten, Carr 4; P. Katsakiores, Rock 5: Executive Departments and Administration)

HB 240-FN, relative to psychotropic drugs and child protection. (P. Katsakiores, Rock 5; G. Katsakiores, Rock 5; Griffin, Rock 4: Health, Human Services and Elderly Affairs)

HB 241-FN-L, relative to removal of political advertising. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13: Election Law)

HB 242, relative to falsification of motor vehicle applications filed with the department of safety. (Hinkle, Hills 19; Bicknell, Rock 1; Green, Dist 6: Transportation)

HB 243, relative to boat registration fees. (Patten, Carr 4; Brundige, Hills 19: Ways and Means)

HB 244-FN, relative to statutory liens by the department of safety. (Packard, Rock 3; Letourneau, Dist 19: Transportation)

HB 245, establishing a committee to study property appraisals of features of land and the view from residential property and unimproved land. (Parkhurst, Ches 4; Phinizy, Sull 5; Alger, Graf 6: Municipal and County Government)

HB 246, establishing a committee to study the classification of employees as independent contractors. (Gould, Rock 5; Infantine, Hills 13; Green, Dist 6; Foster, Dist 13; Gottesman, Dist 12: Labor, Industrial and Rehabilitative Services)

HB 247, extending the law regarding receivership of care facilities for a certain length of time. (MacKay, Merr 11; Pilliod, Belk 5: Health, Human Services and Elderly Affairs)

HB 248, authorizing semi-annual payments of school building aid. (Alger, Graf 6; Carter, Hills 3; Johnson, Dist 2: Education)

CACR 9, relating to taxation. Providing that a 2/3 vote is required to pass a new tax or to increase a tax after it is levied and that the maximum increase in any budget bill shall be limited by the rates of inflation and population growth. (P. Smith, Rock 3; Dumaine, Rock 3: Ways and Means)

RECESS

(Rep. Price in the Chair)

RESOLUTION

Rep. Weyler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 249 through 277, and Constitutional Amendment Concurrent Resolution numbered 10 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and CACR**First, second reading and referral**

- HB 249**, relative to delivery of absentee ballots to city or town clerks. (Vaillancourt, Hills 15: Election Law)
- HB 250**, permitting certain election day workers to vote by absentee ballot. (Vaillancourt, Hills 15: Election Law)
- HB 251**, relative to the family division of the courts. (L. Elliott, Hills 1; Rowe, Hills 6: Judiciary)
- HB 252**, requiring bail hearings for persons arrested for probation violations. (Pantelakos, Rock 16: Criminal Justice and Public Safety)
- HB 253**, exempting certified financial planners from requirements for licensure under insurance laws. (D.L. Christensen, Hills 19; Hinkle, Hills 19; Mooney, Hills 19; Roberge, Dist 9: Executive Departments and Administration)
- HB 254-FN**, establishing additions to lifetime hunting and fishing licenses for certain activities. (Nowe, Rock 9: Fish and Game)
- HB 255**, establishing a committee to study the pricing of milk. (Owen, Merr 4: Environment and Agriculture)
- HB 256**, revising the nurse practice act. (O'Neil, Rock 15: Executive Departments and Administration)
- HB 257**, relative to emergency medical and trauma service protocols and quality assurance program. (S. L'Heureux, Merr 9; Palangas, Hills 12; Clegg, Dist 14: Health, Human Services and Elderly Affairs)
- HB 258-L**, relative to the terms of a collective bargaining agreement in a school district. (Carter, Hills 3; Alger, Graf 6: Education)
- HB 259**, relative to medical assistance for home care for children with severe disabilities. (Rogers Johnson, Rock 13; Whalley, Belk 5; Clegg, Dist 14; Roberge, Dist 9: Health, Human Services and Elderly Affairs)
- HB 260-FN**, relative to motor vehicle equipment and registration. (Packard, Rock 3; Letourneau, Dist 19: Transportation)
- HB 261**, relative to title to salvage vehicles. (Packard, Rock 3: Transportation)
- HB 262**, creating a cause of action relative to the discharge of mortgages. (Abbott, Rock 12: Commerce)
- HB 263**, relative to the use of design build and construction management methods for state capital projects. (O'Neil, Rock 15; Rausch, Rock 5; Morse, Dist 22; Clegg, Dist 14: Public Works and Highways)
- HB 264-FN-A**, making a capital appropriation for the purchase of a boat storage and repair facility in the town of Belmont. (Whalley, Belk 5; Thomas, Belk 5; Russell, Belk 6; Clegg, Dist 14; Johnson, Dist 2; Gallus, Dist 1: Public Works and Highways)
- HB 265**, relative to minutes of land use board meetings involving developments of regional impact. (Thomas, Belk 5: Municipal and County Government)
- HB 266**, relative to the procedure for dismissal or suspension of a police chief. (O'Neil, Rock 15: Municipal and County Government)
- HB 267**, relative to requests for services other than counsel for indigent defendants. (T. Robertson, Ches 3: Judiciary)
- HB 268-FN**, increasing certain motor vehicle fees. (John Flanders, Rock 8: Transportation)
- HB 269**, establishing a statutory committee for the protection of human research subjects. (MacKay, Merr 11; Pilliod, Belk 5; Emerton, Hills 7; Batula, Hills 19; Martel, Dist 18: Health, Human Services and Elderly Affairs)
- HB 270**, relative to procedures of the legislative ethics committee. (Rowe, Hills 6; L. Elliott, Hills 1: Legislative Administration)
- HB 271**, relative to petitions submitted to town meetings. (Parkhurst, Ches 4: Municipal and County Government)
- HB 272-FN-A**, making an appropriation to the barn preservation fund. (Babson, Carr 3; Drisko, Hills 5; M. Blanchard, Rock 16: Finance)
- HB 273-FN**, relative to licenses for persons who are not United States citizens and who are temporarily residing in New Hampshire. (Hinkle, Hills 19; Bicknell, Rock 1, Giuda, Graf 5; Green, Dist 6: Transportation)

HB 274, relative to notice of the availability of automobile gap insurance. (Hinkle, Hills 19; D.L. Christensen, Hills 19: Commerce)

HB 275, defining farmers' market. (O'Connell, Hills 6; Phinizy, Sull 5; Babson, Carr 3; Bragdon, Dist 11: Environment and Agriculture)

HB 276, relative to nominations by nomination papers. (Mulholland, Graf 10: Election Law)

HB 277, relative to special elections for executive councilor, state senator, and state representative. (Whalley, Belk 5; Kennedy, Merr 4; Clegg, Dist 14; Flanders, Dist 7: Election Law)

CACR 10, relating to apportionment of representatives. Providing that the legislature apportion representative districts according to certain fixed standards. (Itse, Rock 9; Dumaine, Rock 3: Election Law)

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 4

Wednesday, January 26, 2005

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, The Reverend David P. Jones, Rector of Saint Paul's Episcopal Church in Concord.

Powerful, patient and persistent God, unpredictable in every way, save for love, guide and guard these good men and women, commissioned by You to lead. May they feel the pressure of Your desires and the comfort of Your care as together they make the choices for us that will define our tomorrow. Amen.

Rep. James W. Danforth led the Pledge of Allegiance.

Rep. Mary Gorman led the members in the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Mary Allen, Almy, Brundige, Carlson, Desmarais, Egbers, Foote, Hammond, Hopfgarten, Hunter, Manning, Palangas, Powers, Tholl and Wall, the day, illness.

Reps. Donahue, Fesh, Introne, Klose, Lary, Lawrence, Moran, Pelkey, Reed, Rowe and Wiley, the day, important business.

Reps. Julie Brown, Coughlin, Hollinger, Knowles and Lefebvre, the day, illness in the family.

Reps. Abbott, Adams, Balboni, MaryAnn Blanchard, Jennifer Brown, Buhlman, Cilley, Dalrymple, DiFruscia, Gilbert, Grassie, Hagan, Heon, Keans, Miller, Mooney, Moore, Naro, Pantelakos, Sanders, Snyder and Katherine Taylor, the day, inclement weather.

INTRODUCTION OF GUESTS

Neil Capano, guest of Rep. Golding. Karl Hecker, guest of Rep. Dunn. Mrs. James Phinizy, wife of Rep. Phinizy.

PETITION

Hon. W. Douglas Scamman, Jr.

Speaker of the New Hampshire House

Dear Mr. Speaker:

We, the undersigned, do hereby petition for the House to exercise the powers granted to it by the New Hampshire Constitution, Part Second, Article 22, to vacate the November 2004 election of Bonnie Mitchell to the state representative seat in Cheshire District 7 specifically because she did not meet the constitutional requirement, at the time of the election, to "have been an inhabitant of this state" for the preceding two years (Part Second, Article 14).

We request that this petition be referred to the Subcommittee on elections (per House Rule 30(m)(1). With keen interest in the integrity of votes made on the House floor, we request that this matter be expedited so that the Subcommittee will report directly to the House(per House Rule 30(m) by the next scheduled session day (January 26, 2005) and that a vote to vacate the election of Bonnie Mitchell be taken up by the House as the first order of business that day. Reps. Balboni, Ingbertson, Cady, Newton, and Easson.

CLERK'S NOTE

The entire text of this petition is on file in the Office of the House Clerk.

COMMUNICATION

January 6, 2005

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Council on this day:

Sullivan County District 1, Stephen G. Prichard, d, Grantham (P.O. Box 1220) 03753 William M. Gardner, Secretary of State

COMMUNICATION

January 21, 2005

Hon. W. Douglas Scamman, Jr.

Speaker of the House

Mr. Speaker,

With regret, I must submit my resignation from the appointment as Chaplain to the House, for personal and professional reasons, effective immediately. I have been honored to serve in this ministry and leave, early in this new term, knowing of the good work that is accomplished every-day in the House.

Sincerely, Hays M. Junkin,
Saint Andrew's Episcopal Church

The Speaker accepted the resignation with regrets.

RESOLUTION

Reps. O'Neil and Craig offered the following:

RESOLVED, that the Speaker appoint a committee of three to select a suitable person to serve as House Chaplain during the 2005-2006 biennium and to report such selection to the House.

Adopted.

The Speaker appointed Reps. Weyler, Potter and Manney to the committee.

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 278 through 299, and 301 through 316 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 278, relative to the alternative budget procedure in school administrative units. (Casey, Rock 11; C. Robertson, Rock 13; Asselin, Rock 7; P. McMahon, Merr 3; Scanlon, Hills 18; Hassan, Dist 23; Fuller Clark, Dist 24: Education)

HB 279, relative to the classification of Spofford Lake in Chesterfield, New Hampshire. (Hogancamp, Ches 4; Dexter, Ches 6; Currier, Merr 5; Eaton, Dist 10: Resources, Recreation and Development)

HB 280, relative to acceptance of service of process of divorce petitions and requests for modification. (Bickford, Straf 3: Children and Family Law)

HB 281, requiring certain labels on bottled water. (Marple, Merr 9: Executive Departments and Administration)

HB 282, establishing a committee to study issues relating to voter registration and identification requirements. (Price, Hills 26: Election Law)

HB 283, relative to the commission to examine all aspects of same sex civil marriage and its legal equivalents. (Morrison, Belk 2; Splaine, Rock 16; Craig, Hills 9; D'Allesandro, Dist 20: Judiciary)

HB 284, excluding the value of a view from property tax assessments. (Alger, Graf 6; Parkhurst, Ches 4: Municipal and County Government)

HB 285, relative to carrying a concealed weapon without a license. (J. Wheeler, Hills 6; Adams, Hills 2; Biundo, Hills 15; Hansen, Hills 6; Gibson, Hills 19; Gallus, Dist 1: Criminal Justice and Public Safety)

HB 286, prohibiting the operation of pocket bikes and motorized scooters upon ways. (J. Flanders, Rock 8: Transportation)

HB 287, ratifying the purchase of a certain property by the town of Canaan. (Solomon, Graf 10: Municipal and County Government)

HB 288-FN, establishing a commission to effect the process for the town of Killington, Vermont to become part of the state of New Hampshire. (Currier, Merr 5; Patten, Carr 4; Major, Rock 8; Reardon, Merr 11; Clegg, Dist 14; Flanders, Dist 7; Gallus, Dist 1; Johnson, Dist 2: Legislative Administration)

HB 289-FN, relative to registration fees for lobbying and lobbyists and requiring registration of employers of lobbyists. (Weed, Ches 3; Pratt, Ches 2; P. Allen, Ches 6: Legislative Administration)

- HB 290-FN**, relative to participation in health savings accounts. (Wendelboe, Belk 1: Executive Departments and Administration)
- HB 291-FN-A**, establishing a research and development tax credit against the business profits tax. (P. Sullivan, Hills 10: Ways and Means)
- HB 292**, establishing a procedure for a town to withdraw from a 3-town school district. (Drisko, Hills 5; Gargas, Hills 5; Alger, Graf 6; Ryder, Hills 5; Hunter, Hills 7; Gottesman, Dist 12: Education)
- HB 293**, establishing a commission to study the development of a materials resource and recovery facility in Sullivan County. (Phinizy, Sull 5; Cloutier, Sull 4; Donovan, Sull 4; Converse, Sull 4; Ferland, Sull 5; Burling, Dist 5; Odell, Dist 8: Environment and Agriculture)
- HB 294**, relative to criminal records and evidence. (Dumaine, Rock 3; Hagan, Hills 17; Itse, Rock 9: Judiciary)
- HB 295**, relative to access to certain motor vehicle records. (Dumaine, Rock 3; Hagan, Hills 17; P. Smith, Rock 3: Judiciary)
- HB 296**, relative to bonding requirements for private detectives. (Dumaine, Rock 3; Hagan, Hills 17; P. Smith, Rock 3; Ulery, Hills 27: Commerce)
- HB 297-FN**, relative to charter schools. (L. Christiansen, Hills 27: Education)
- HB 298**, relative to consolidating statutes relating to driving while intoxicated. (Tholl, Coos 2: Transportation)
- HB 299**, relative to mechanics' liens. (Infantine, Hills 13; Hebert, Hills 17; Martel, Dist 18: Commerce)
- HB 301-L**, relative to parent advisory councils for pupils with educational disabilities. (Drisko, Hills 5; Gargas, Hills 5; Hall, Hills 5; Ryder, Hills 5: Education)
- HB 302**, establishing a county mileage surcharge for service of documents by county sheriffs. (Ryder, Hills 5: Judiciary)
- HB 303-FN**, relative to the fire standards and training and emergency medical services commission. (Stevens, Carr 4; Tholl, Coos 2; Winchell, Rock 6: Criminal Justice and Public Safety)
- HB 304-FN-A**, relative to federal highway grant anticipation bonds. (Rausch, Rock 5; Dowd, Rock 5; Dowling, Rock 5; Graham, Hills 18; Waterhouse, Rock 4; Morse, Dist 22; Letourneau, Dist 19; Clegg, Dist 14: Public Works and Highways)
- HB 305**, relative to amended warrant articles on official ballots. (Hawkins, Hills 18; Graham, Hills 18; Slocum, Hills 6; Roberge, Dist 9: Municipal and County Government)
- HB 306**, relative to mandatory education for crossbow hunters. (Stohl, Coos 1; Greco, Merr 7; Patten, Carr 4; H. Richardson, Coos 2: Fish and Game)
- HB 307**, establishing a committee to study the feasibility of licensing residential building and remodeling contractors. (Infantine, Hills 13; W. P. Campbell, Straf 3; Holden, Hills 7: Executive Departments and Administration)
- HB 308**, relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education. (Claire Clarke, Merr 6; Dunn, Ches 3; Rush, Merr 7: Education)
- HB 309-FN-A**, establishing a commission to recodify laws relating to financial contributions and disclosures and conflicts of interest and making an appropriation therefor. (Hess, Merr 9; Rowe, Hills 6: Legislative Administration)
- HB 310**, relative to requirements of the fish and game department before a coastal area may be closed to fishing of marine species. (Morris, Rock 14; Hammond, Graf 11; Pilliod, Belk 5; Gibson, Hills 19; Goyette, Hills 27: Fish and Game)
- HB 311-L**, enabling towns to establish revolving funds for certain purposes. (Patten, Carr 4; Foose, Merr 1: Municipal and County Government)
- HB 312**, relative to the appointment of parenting coordinators in child custody cases. (Gargas, Hills 5; Bickford, Straf 3; Franklin, Sull 2; Roberge, Dist 9: Children and Family Law)
- HB 313-FN**, relative to registration of business entities. (S. Francoeur, Rock 15: Commerce)
- HB 314-FN**, requiring public restrooms in the division of motor vehicles. (Palazzo, Rock 14: Public Works and Highways)
- HB 315**, relative to best available technology for air pollution control. (Maxfield, Merr 6; Thomas, Belk 5; Flanders, Dist 7: Science, Technology and Energy)
- HB 316**, relative to neutral evaluations in child custody cases. (Gargas, Hills 5; Bickford, Straf 3; Franklin, Sull 2; Roberge, Dist 9: Children and Family Law)

MOTION TO VACATE

Rep. Sheila Francoeur moved that the House vacate the reference of **HB 217**, relative to liability of third persons under workers' compensation, to the Committee on Commerce.

Adopted.

The Speaker referred HB 217 to the Committee on Labor, Industrial and Rehabilitative Services.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 72, relative to continuing education requirements for professional engineers, removed by Rep. Russell.

HB 123, relative to the New Hampshire state flag, removed by Rep. Paul Smith.

HB 96, relative to a certain highway project between Pembroke and Bow, New Hampshire, removed by Rep. Field.

Consent Calendar adopted.

HB 74, relative to the sale of permissible fireworks. **OUGHT TO PASS**

Rep. Gene P. Charron for Criminal Justice and Public Safety: This bill allows New Hampshire permissible fireworks dealers to sell at wholesale to other New Hampshire permissible fireworks dealers. States cannot and do not regulate interstate sales. That is the authority of the federal government. The Fire Marshal supports this bill that clarifies that wholesale sales are, and should be, allowed within the state. Vote 16-0.

HB 80, relative to the definition of a deadly weapon. **INEXPEDIENT TO LEGISLATE**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: This bill would change the statutory definition of a "deadly weapon" by removing language that specifically references firearms and knives. The committee believes that such a change is unnecessary and has the potential to create confusion and ambiguity in the law. In addition, the Attorney General's office informed the committee that it opposes passage of this bill. Vote 19-0.

HB 86, relative to property held in police department property rooms. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill changes the length of time that a police department is required to hold unclaimed and abandoned property from 180 to 90 days before disposing of it. There was testimony that police department property rooms are overcrowded. This bill would provide relief to those agencies experiencing storage problems. This bill does not affect storage of evidence. Vote 19-0.

HB 131, requiring notice of the installation of smoke detectors prior to the sale of residential property. **INEXPEDIENT TO LEGISLATE**

Rep. Gene P. Charron for Criminal Justice and Public Safety: The committee is well aware of the importance of safety. It was felt that this bill went too far for several reasons. All residential homes would be required to install hard wire detectors before the home could be sold. The bill required more detectors in living areas and sleeping areas on all levels. The homeowner would have to certify that the system is less than ten years old and the committee was concerned with this. Who becomes liable? The installation of a system prior to sale could create a financial burden to the seller, especially in older homes. The burden would be more so on the elderly. Who would enforce compliance? Vote 16-0.

HB 62-FN, relative to the Social Security offset in the calculation of state retirement system annuities. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would have the 10% offset start when the beneficiary actually retired under federal guidelines between the ages of 65 to 67, thus requiring more money in the interim. At the present time, the offset takes place at 65. The retirement system terminally funded this at age 65 many years ago when it reduced the offset from 25% to 10% at great expense to the special accounts. The current bill does not address past retirees or those vested employees eligible for retirement annuity, only future retirees. The cost this bill would place on the political subdivisions would be approximately 1.9 million dollars a year according to actuarial estimates and would be in violation of Part First, Article 28-a of the NH Constitution. Vote 14-4.

HB 85, establishing the private attorney retention sunshine act. **INEXPEDIENT TO LEGISLATE**
Rep. Maurice L. Pilotte for Executive Departments and Administration: The committee was informed by the attorney general's office that requests for the hiring of outside attorneys are currently submitted though the attorney general's office and negotiated rates currently agreed to by the State of New Hampshire are capped at an amount far below the \$1,000 per hour rate threshold suggested in this bill. The current procedure of review of contracts by the governor and executive council would be duplicated if contracts passing a specific dollar threshold were subjected to a hearing by the joint fiscal committee of the legislature. Vote 16-2.

HB 99, changing the name of the college for lifelong learning to Granite state college. **OUGHT TO PASS WITH AMENDMENT**

Rep. Francis B. Sullivan for Executive Departments and Administration: After listening to extensive testimony from the University of New Hampshire Board of Trustees, the president of the school requesting the name change, and numerous other interested parties, the committee felt that the name change was appropriate at this time. It was felt that the name change would bring about many positives for all involved with the school. Vote 18-1.

Amendment (0026h)

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

HB 161, relative to vacancies in the office of United States senator. **INEXPEDIENT TO LEGISLATE**
Rep. John DeJoie for Executive Departments and Administration: The committee carefully reviewed the testimony of the sponsor who offered the only testimony on this bill. While the sponsor's testimony was an attempt to standardize the process of filling vacancies, she was unable to illustrate a problem with the current system. In fact, her testimony illustrated various procedures for filling vacancies. As such, the committee did not believe there was merit in pursuing this bill any further. Vote 17-1.

HB 101, relative to the duties of the oversight committee on health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: The intent of this legislation was to add the ability to monitor the development of new data systems within the Department of Health and Human Services, specifically in the Home and Community Based (HCBC), and long term care programs. The committee felt that under the present RSA 126-A:15, the Oversight Committee had the ability to perform this, and the committee also expressed a commitment to direct the Oversight Committee and place this on its agenda for future review. Vote 17-0.

HB 105, relative to denial of fertility treatment to a fertility patient. **INEXPEDIENT TO LEGISLATE**
Rep. J. Gail Barry for Health, Human Services and Elderly Affairs: The committee was concerned about the anecdotal information provided on this bill concerning fertility treatment. However, after considerable deliberation, a subcommittee recommended ITL, as it felt there are currently a number of avenues available for consideration and response to complaints. In addition, the Department of Health and Human Services has received no complaints about fertility treatments in any of the clinics in New Hampshire. The Board of Registration in Medicine is available to hear complaints against physicians, which they take seriously and act upon readily. This bill was also opposed by the Director of the Fertilization Center at Dartmouth-Hitchcock, as well as the New Hampshire Medical Society and the New Hampshire Hospital Association. Vote 16-0.

HB 106, establishing a commission to study the practices and procedures of fertility clinics and to develop standards of care for such clinics. **INEXPEDIENT TO LEGISLATE**

Rep. J. Gail Barry for Health, Human Services and Elderly Affairs: This bill is a companion to HB 105 that also addressed issues concerning fertility treatment. HB 106 was studied by a subcommittee that voted unanimously to recommend ITL. The committee agreed and also voted unanimously Inexpedient to Legislate. The committee was sympathetic to those who pursue fertility treatment and experience anxiety and difficulty in the process. However, it was felt that the preponderance of evidence provided did not justify the need for a commission "to study the current practices and procedures of fertility clinics." The New Hampshire Department of Health and Human Services has not received any complaints about treatment received at fertility clinics. The Boards

of Registration of Medicine and Nursing are available to take action in malpractice and other claims against physicians and nurses. The New Hampshire Medical Society and a representative from the Dartmouth-Hitchcock Medical Center testified against this bill. The committee was convinced that existing provisions are provided on a national and state level to provide the highest level of care. The American Medical Association is opposed to this type of legislation. Vote 15-0.

HB 108, relative to the acuity-based reimbursement system developed by the department of health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill would have incorporated the cost of supervision for certain clients into the acuity-based reimbursement system. There was a total acknowledgment by the committee that individuals diagnosed with Alzheimer's or other related dementias most certainly required additional care. The committee also felt that there presently exists a mechanism to review the acuity levels of individuals in nursing facilities and that this concern will also be addressed and reviewed as part of the GraniteCare legislation. Vote 16-0.

HB 111, establishing a commission to study the elimination of cervical cancer in the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: Cervical cancer is nearly 100 percent preventable with public education to not only promote PAP tests, but new tests and emerging vaccines. We now know that cervical cancer is caused by a common virus, human papilloma virus. HPV testing for target populations will aid in early detection and treatment. A vaccine currently in test trials at Dartmouth Hitchcock Medical School will potentially eradicate HPV and therefore cervical cancer in the future. The commission established by this bill will look at the prevalence of cervical cancer in New Hampshire, raise public awareness and use of HPV testing, and help prioritize strategies to eliminate cervical cancer in New Hampshire. The amendment simply corrects a clerical error. Vote 17-0.

Amendment (0008h)

Amend paragraph VI of section 3 of the bill by replacing it with the following:

VI. Developing a statewide comprehensive cervical cancer prevention plan and strategies for implementing and promoting the plan.

HB 164, relative to the use of chelating agents or chelation drug therapy for the treatment of medical conditions. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill deals with the administration of E.D.T.A., also known as Chelation Therapy. It provides that a licensed physician may prescribe E.D.T.A. when the physician deems it is appropriate for the patient. The New Hampshire Board of Medicine adopted a policy that E.D.T.A. "is used orally or intravenously in rare instances where there are valid reasons such as heavy metal poisoning." However, the Board feels there are real dangers in the use of this treatment. To quote a member of the New Hampshire Board of Medicine, "E.D.T.A. isn't safe as a drug. There's a real chance of kidney failure. E.D.T.A. can also cause bone marrow depression, shock, low blood pressure, convulsions, cardiac arrhythmias, allergic type reactions, and respiratory arrest." The Board's position is that E.D.T.A. cannot be used "for treating autism, atherosclerosis or any other condition for which there is no scientific basis." The committee voted this bill unanimously as I.T.L. Although the committee is supportive of alternative therapies, it felt that this legislation intrudes on the medical practices that are based on scientific evidence. The committee does endorse the ongoing medical research on E.D.T.A. Vote 18-0.

HB 173, relative to food service and distribution. **OUGHT TO PASS WITH AMENDMENT**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: The intent of this bill was to establish a committee to study whether food services at youth summer camps, nursing homes, and agricultural fairs should continue to be exempt from licensure. The bill amended the definition of shellfish to comply with U.S.F.D.A. ordinance, corrected a reference which is no longer applicable to food safety classes, and clarified the definition of occasional food establishment in the food service licensure statute. The bill was referred to a subcommittee which found that current statute provided appropriate standards for licensing. The subcommittee was concerned that certain small community events might be subject to licensure. The bill was amended to correct the food safety class reference, change the shellfish definition, and revert to previous number of days defined under

occasional food service establishments, but also added exemption from licensing for non-profit service organizations, extra-curricular school activities, non-profit sporting events, and religious activities. The Department of Health and Human Services was in agreement with this amendment. The subcommittee was unanimous with its recommendation, as is the full committee. Vote 18-0.

Amendment (0039h)

Amend the bill by replacing all after the enacting clause with the following:

1 Food Safety; Terminology Changed. Amend RSA 143:11, I(a)(2) to read as follows:

(2) passes a food safety class, subsequent to the revocation of the license, ~~[which has been certified by the Buros Institute for Assessment, Consultation and Outreach at the University of Nebraska, or a successor organization]~~ **meeting the standards of the Conference for Food Protection**. In order to fulfill the requirements of this section, the new remedial plan shall first receive the approval of the commissioner. Notwithstanding RSA 541-A, any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.

2 Food Safety; Definition of "Shellfish." Amend RSA 143:20 to read as follows:

143:20 Definition. The term "shellfish," as used in this subdivision, means all fresh or frozen edible species of oysters, clams or mussels, either shucked or in the shell, **or scallops in any form, except when the final product form is the adductor muscle only.**

3 Food Service Licensure; Terminology Changed. Amend RSA 143-A:6, I(b) to read as follows:

(b) passes a food safety class, subsequent to the revocation of the license, ~~[which has been certified by the Buros Institute for Assessment, Consultation and Outreach at the University of Nebraska, or a successor organization]~~ **meeting the standards of The Conference for Food Protection**. In order to fulfill the requirements of this section, the new remedial plan shall first receive the approval of the commissioner. Notwithstanding RSA 541-A, any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.

4 Food Service Licensure; Definition. Amend RSA 143-A:3, V to read as follows:

V. "Occasional food service establishment" means any food service establishment operated by a private or public organization or institution, whether profit or nonprofit, which prepares food or drink for sale or for service, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge, no more than ~~[96 hours at no fewer than 3 hours a day]~~ **4 days** during a 30-day period. ***This definition shall not apply to the following non-profit entities which do not offer regularly-scheduled weekday meal service: extracurricular school events; non-profit sporting events; religious activities; or non-profit service organizations.***

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Amends the definition of "shellfish" to be in compliance with the U.S. Food and Drug Administration's model shellfish ordinance.

II. Corrects a reference which is no longer applicable to food safety classes.

III. Clarifies the definition of occasional food service establishment in the food service licensure statute.

HB 186, establishing a committee to study the quality and delivery of nursing care to persons in nursing facilities or receiving home and community-based care. **INEXPEDIENT TO LEGISLATE** Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee is supportive of the study duties outlined in this bill. Issues dealing with demographic data including the distribution of our population who are in home-based care, community-based care, and skilled nursing facilities are basic to the mission of the subcommittee on GraniteCare that has been recently established. In addition, the bill addresses training and other work force issues. The overall concern for quality of care is primary. The committee voted ITL not to discourage this study, but rather to include it in the already existing GraniteCare subcommittee. This allows the study to begin immediately under the purview of the GraniteCare subcommittee with all of its resources available. The committee voted unanimously to support this approach, including the involvement of the bill sponsors in the study process. Vote 18-0.

HB 36, establishing a committee to study the location of transitional housing for the New Hampshire hospital. **INEXPEDIENT TO LEGISLATE**

Rep. James B. Rausch for Public Works and Highways: A study committee, as proposed by this legislation, was deemed unnecessary. The hospital campus where the transitional housing is located has had extensive review and legislation to propose building rehabilitation, roadway and sidewalk reconfiguration. During the many meetings to study the campus, the Department of Health and Human Services has never indicated any problem with the transitional housing. Unless a specific request is made by the department, the committee feels a study is unnecessary. Vote 15-0.

HB 124, naming a certain portion of New Hampshire Route 125 the Mel Keddy Memorial highway. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric P. Rochette for Public Works and Highways: This bill names a portion of NH Route 125 from NH Route 107 to NH Route 111 after East Kingston Police Officer Mel Keddy, who died in the line of duty on this stretch of Route 125. The amendment added the word "officer" and includes NH DOT and Public Works and Highways Committee standard language for the naming of highways, which says that the state shall not be responsible for any costs incurred for signage, etc. Vote 15-0.

Amendment (0019h)

Amend the title of the bill by replacing it with the following:

AN ACT naming a certain portion of New Hampshire Route 125 the Officer Mel Keddy Memorial highway.

Amend the bill by replacing all after the enacting clause with the following:

1 Highway Named. Pursuant to RSA 4:43, the segment of New Hampshire Route 125 from its junction with New Hampshire Route 107 to its junction with New Hampshire Route 111 is hereby named the Officer Mel Keddy Memorial highway.

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under section 1 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill names a certain portion of New Hampshire Route 125 the Officer Mel Keddy Memorial Highway.

HB 135-FN-A, establishing a committee to study funding sources for the state laboratories and extending the appropriation to the department of corrections for the prison automation system. **OUGHT TO PASS WITH AMENDMENT**

Rep. John A. Graham for Public Works and Highways: This bill is identical to a bill passed by the House in the last session. However, due to unacceptable Senate amendments, the bill died in Committee of Conference. This bill has two distinct sections. The first will establish a study committee to look at the fees charged at the state labs and whether or not these fees should be used for maintenance costs or debt service. The second part extends the lapse date for an existing capital appropriations for the prison automation system. This extension will allow the Department of Corrections to leverage approximately \$800,000.00 in federal funds. The Department testified that there is a critical need for this automation system and that if the lapse date is not extended they will lose access to the federal funds on March 31, 2005. The amendment extends the lapse date to 2006. This will allow the Department sufficient time to speed the allocated funds. Vote 14-0.

Amendment (0024h)

Amend the bill by replacing section 6 with the following:

6 Capital Appropriation; Department of Corrections; Lapse Date Extended. The \$750,000 appropriation to the department of corrections in 1997, 349:1, III, D, for the prison automation system, is hereby extended to June 30, 2006.

HB 160, naming a certain bridge on New Hampshire Route 3 between Pembroke and Allentown. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace C.W. Bouchard for Public Works and Highways: The New Hampshire Department of Transportation will be replacing the double-deck bridge on Route 3 on the border of Allentown

and Pembroke and asked the towns to name the bridge. The two towns decided to have a bridge naming contest with the 8th grades at the Armand R. Dupont and Three Rivers Schools. The name Suncook Connection Bridge was chosen because the name will help preserve the culture and heritage of the scenic historic area known as Suncook Village. Members opposed to this legislation had issue with a contest being held to name the bridge, but the majority of the committee thought it was appropriate for the two towns to involve their local schools. Vote 13-2.

Amendment (0025h)

Amend the bill by replacing all after the enacting clause with the following:

1 Bridge Named. Pursuant to RSA 4:43, the new double-decker bridge to be built on New Hampshire Route 3 between Pembroke and Allenstown is hereby named the Suncook Connection Bridge.

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under section 1 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill names the new double-decker bridge to be built on New Hampshire Route 3 between Pembroke and Allenstown the Suncook Connection Bridge.

HB 148, transferring the New Hampshire estuaries project from the department of environmental services to the university of New Hampshire. **OUGHT TO PASS WITH AMENDMENT**
Rep. Judith T. Spang for Resources, Recreation and Development: This bill, as amended, enacts a recommendation of Chapter 257, Laws of 2004. The Estuaries Project's Management Committee was charged with finding a permanent host for the project. The University of New Hampshire was selected in order to facilitate coordination with UNH marine research programs integral to the Estuaries Project's work. Modest cost savings to the state are anticipated. The amendment makes the bill effective upon passage and deletes references to obsolete programs. Vote 15-0.

Amendment (0035h)

Amend the bill by replacing all after section 2 with the following:

3 Office of Energy and Planning; Obsolete References Deleted. Amend RSA 4-C:1, II(i) to read as follows:

(i) Administer the following programs: [~~the coastal zone management program, the New Hampshire estuaries project, the saltmarsh restorability program, the southeast New Hampshire groundwater sustainability program;~~] the statewide comprehensive outdoor recreation plan, the national flood insurance program, the land conservation investment program, the scenic and cultural byways system, fuel assistance contracts, and weatherization contracts. The office shall employ necessary personnel to administer these programs.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill transfers the New Hampshire estuaries project from the department of environmental services to the university of New Hampshire. This bill also deletes references to programs that are no longer administered by the Office of Energy and Planning.

HB 174, relative to renewable energy transition service and the extension of a portion of the system benefits charge. **OUGHT TO PASS WITH AMENDMENT**
Rep. Sam A. Cataldo for Science, Technology and Energy: The bill added a new paragraph relative to renewable energy transition service, extending a portion of the systems benefits charge, and repealing laws relating to information provided to electric customers. This bill extends the authority of the commission to impose such a charge shall terminate on June 30, 2008. Vote 17-0.

Amendment (0046h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to renewable energy transition service, extending a portion of the system benefits charge, and repealing laws relating to information provided to electric service consumers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Public Utilities Commission; Rulemaking; Renewable Energy Information. Amend RSA 365:8 by inserting after paragraph XII the following new paragraph:

XIII. Standards and procedures by which those electricity suppliers and utilities that choose to offer renewable energy options will provide information to customers who take such service of the fuel source or sources and emissions associated with the electrical service that they take and to inform such customers of the resource mix and emissions associated with the electricity generated and sold in the New England region as a whole.

2 System Benefits Charge; Programs for Low-Income Customers. Amend RSA 374-F:4, VIII(c) to read as follows:

(c) The portion of the system benefits charge due to programs for low-income customers shall not exceed 1.5 mills per kilowatt hour. The authority of the commission to impose such a charge shall terminate on June 30, [2005] 2008. *If the commission determines that the low-income program fund has accumulated an excess of \$1,000,000 and that the excess is not likely to be substantially reduced over the next 12 months, it shall suspend collection of some or all of this portion of the system benefits charge for a period of time it deems reasonable.*

3 Repeal. The following are repealed:

I. 2002, 268:7, relative to environmental disclosure.

II. 2002, 268:8, relative to expenditure on renewable energy education.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Requires the public utilities commission to adopt rules relative to electricity suppliers and utilities offering renewable energy options.

II. Extends the portion of the system benefits charge due to programs for low income customers.

III. Repeals provisions that required all electric customers to be informed of the resource mix and environmental characteristics of their electric service and required the public utilities commission to expend money to inform the public of the benefits of electricity generated from renewable energy resources.

REGULAR CALENDAR

HB 97, relative to replacing school budget committee members. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul R. Hopfgarten for the Majority of Municipal and County Government: The statute as currently constructed in (RSA 671:33) has possible conflicting provisions regarding the filling of vacancies for Budget Committee members. A notification to either the moderator or the chair of the school board seemingly determines who will fill the vacancy and could become a foot or telephone race. The changes to RSA 671:33 are only for elected Budget Committees, and would not affect methods of filling vacancies for appointed Budget Committees such as the Cooperative School Board representative to the Committee. The majority of the members of Municipal and County Government feel that the provisions of RSA 671:33 currently do not fill the vacancies in the same manner as all other elected Budget committees, and the proposed change makes the filling of vacancies consistent. Vote 10-5.

Rep. Harry S. Gale for the Minority of Municipal and County Government: The minority believes that HB 97 is unnecessary because there is a process in place in RSA 671:33 that provides a clear process for what either the budget committee or the cooperative school district representative has to do – notify the respective appointing authority. By removing the moderator, whose obligation and job description is to remain neutral and impartial, from the process of filling a vacancy will create more tension than the proposed change will ease. The minority believes that the recent court case in Sanborn reaffirms the existing policy.

The question being adoption of the majority committee report.

Rep. Gale spoke against.

Rep. Patten spoke in favor.

Majority committee report adopted.

Ordered to third reading.

BILLS REMOVED FROM CONSENT CALENDAR**HB 72**, relative to continuing education requirements for professional engineers. **INEXPEDIENT TO LEGISLATE**

Rep. Alida I. Millham for Executive Departments and Administration: A requirement for continuing education for engineers was established six years ago by the Board of Engineers. This bill was submitted to eliminate the education requirement for re-licensure. The committee determined there is no compelling argument to support this move and, in addition, felt it was not in the interest of the public or the profession of engineering. This would set a poor precedent for continuing education in other professional groups. Vote 19-0.

Rep. Russell spoke against.

Rep. Millham spoke in favor.

Committee report adopted.

HB 123, relative to the New Hampshire state flag. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: The American flag is recognized all over the world and has not one word within its border. The words "Live free or die" are a politically and emotionally charged phrase that we know has caused the state legal problems in the past. Additionally, it was made clear during the hearings that it is not against any state or federal laws if any individual wishes to add this phrase (or anything else) to our state flag. Our current state flag represents our proud history and hope for the future without stating a political position. Finally, "is there a problem with the flag?" Other than the sponsor, no one contacted the committee in any way expressing dislike of the current flag. Vote 15-2.

Rep. Paul Smith spoke against.

Rep. Guida spoke against and yielded to questions.

Rep. Dexter spoke in favor and yielded to questions.

Rep. Paul Smith requested a roll call, sufficiently seconded.

The question being adoption of the committee report.

YEAS 211 NAYS 122**YEAS 211****BELKNAP**

Clark, Charles
Nedeau, Stephen

Fitzgerald, James
Pilliod, James

Flanders, Donald

Millham, Alida

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Philbrick, Donald

Babson, David Jr
Knox, J David

Buco, Thomas
Martin, James

Chandler, Gene
Patten, Betsey

CHESHIRE

Allen, Peter
Dexter, Judson
Espiefs, Peter
Richardson, Barbara
Tilton, Anna

Butcher, Suzanne
Dunn, J Timothy
Mitchell, Bonnie
Robertson, Timothy
Weed, Charles

Butynski, William
Eaton, Daniel
Parkhurst, Henry
Sawyer, Sheldon

Chase, William
Emerson, Susan
Plifka Jr, Stanley
Sinclair, Stephanie

COOS

King, Frederick
Stohl, Eric

Mears, Edgar
Theberge, Robert

Merrick, Scott

Morneau, Renney

GRAFTON

Andersen, Gene
Cooney, Mary
McLeod, Martha
Solomon, Peter

Barker, Robert
Eaton, Stephanie
Mulholland, Catherine

Benn, Bernard
Gionet, Edmond
Nordgren, Sharon

Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Aboshar, Jeffrey	Allan, Nelson	Baroody, Benjamin	Barry, J Gail
Beaulieu, Jane	Bergin, Peter	Campbell, David	Chabot, Robert
Chase, Claudia	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Emerton, Larry
Essex, David	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Graham, John	Haley, Robert	Hall, Betty	Harvey, Suzanne
Hawkins, Ken	Hellwig, Steve	Hirschmann, Keith	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula	Kelly, Eugene Jr
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Martin, Mary Ellen
Matarazzo, Anthony Sr	Mead, Robert	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Pepino, Leo	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Rosenwald, Cindy	Ross, Lawrence
Ryder, Donald	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Peter	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Hess, David	Kidder, David	L'Heureux, Stephen
Lockwood, Priscilla	Maxfield, Roy	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Asselin, Michael	Belanger, Ronald	Bridle, Russell	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	Dowling, Patricia
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Ingram, Russell	Johnson, Robert
Langley, Jane	Major, Norman	Moody, Marcia	Norelli, Terie
O'Neil, Michael	Parker, Benjamin	Putnam, Ed II	Rausch, James
Robertson, Carl	Scamman, Stella	Splaine, James	Stiles, Nancy
Weare, E Albert	Winchell, George	Zolla, William	

STRAFFORD

Berube, Roger	Chaplin, Duncan	Domingo, Baldwin	Dunlap, Patricia
Goodwin, Earle	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher
Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly

NAYS 122**BELKNAP**

Allen, Janet	Boyce, Laurie	Heald, Bruce	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Brown, Carolyn	McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth
Stevens, Stanley			

CHESHIRE

Hogancamp, Deborah	Hunt, John	Roberts, Kris
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COOS

Buzzell, Bernard	Remick, William	Richardson, Herbert
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GRAFTON

Alger, John	Dorsett, Andrew	Giuda, Robert	Ham, Bonnie
Ingretson, Paul	Maybeck, Margie	Mirski, Paul	Sorg, Gregory
Ward, John	Williams, Burton		

HILLSBOROUGH

Baines, Stephen	Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Crane, Elenore Casey	Elliott, Larry	Elliott, Nancy	Francoeur, Bea
Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr	Hansen, Ryan
Hebert, Raymond	Hinkle, Peyton	Infantine, William	Jasper, Shawn
Manney, Pamela	McRae, Karen	Messier, Irene	O'Brien, William
Ober, Lynne	Renzullo, Andrew	Rochette, Eric	Scanlon, Michael
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Sullivan, Francis
Tahir, Saghir	Ulery, Jordan	Wheeler, James	

MERRIMACK

Currier, David	Danforth, James	Field, William	Kennedy, Richard
Langlais, Thomas	MacKay, James	Marple, Richard	Oliver, James
Soltani, Tony			

ROCKINGHAM

Bettencourt, David	Bicknell, Elbert	Bishop, Franklin	Carson, Sharon
Dodge, Robert	Dowd, John	Doyle, Christopher	Dumaine, Dudley
Forsing, Robert	Garrity, James	Headd, James	Hughes, Daniel
Hutchinson, Karen	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie	Mason, April
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	Packard, Sherman
Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew	Rolston, James
Serlin, Christopher	Smith, Paul	Waterhouse, Kevin	Welch, David
Wells, Roger	Weyler, Kenneth		

STRAFFORD

Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Easson, Timothy	Hilliard, Dana	Newton, Clifford	Twombly, James

SULLIVAN

None

and the committee report was adopted.

Rep. Joseph E. Stone did not vote and notified the Clerk that he wished to be recorded in favor.

HB 96, relative to a certain highway project between Pembroke and Bow, New Hampshire. **IN-EXPEDIENT TO LEGISLATE**

Rep. Mark E. McConkey for Public Works and Highways: A Route 106 connection to I-89 at the junction of I-93 merits consideration and it might be an option for the current I-93 Bow/Canterbury Study. The proposed project is not part of the current 10 Year Transportation Plan. (T.I.P.)

The committee suggests the sponsors work with their Regional Planning Commission to consider this project for inclusion in the next 10 Year Transportation Plan. Vote 15-0.
 Reps. Field and Kennedy spoke against.
 Reps. McConkey and Bouchard spoke in favor.
 Rep. Field requested a roll call; sufficiently seconded.
 The question being adoption of the committee report.

YEAS 277 NAYS 52

YEAS 277

BELKNAP

Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Butcher, Suzanne	Butynski, William	Chase, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Pliifka Jr, Stanley	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Sinclair, Stephanie	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert

GRAFTON

Andersen, Gene	Barker, Robert	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	Ward, John
Williams, Burton			

HILLSBOROUGH

Baines, Stephen	Baroody, Benjamin	Barry, J Gail	Batula, Peter
Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Calawa, Leon Jr	Campbell, David	Carew, James
Carter, Mark	Chabot, Robert	Chase, Claudia	Christensen, D L Chris
Clark, Mark	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Larry
Elliott, Nancy	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Garritty, Patrick	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Haley, Robert
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Holden, Randolph	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Johnson, Paula	Kelly, Eugene Jr	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Manney, Pamela	Martin, Mary Ellen
Mead, Robert	Messier, Irene	Michon, Stephen	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher

Pepino, Leo
Rochette, Eric
Schulze, Joan
Stepanek, Stephen
Vaillancourt, Steve

Pilotte, Maurice
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Francis
Villeneuve, Maurice

Price, Pamela
Ryder, Donald
Shaw, Kimberly
Sullivan, Peter
Wheeler, James

Reeves, Sandra
Scanlon, Michael
Smith, David
Tahir, Saghir
Wheeler, Robert

MERRIMACK

Anderson, Eric
Clarke, Claire
DeStefano, Stephen
Hager, Elizabeth
L'Heureux, Stephen
Oliver, James
Ryan, Jim
Wallner, Mary Jane

Blanchard, Elizabeth
Currier, David
Foose, Robert
Hamm, Christine
MacKay, James
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
Danforth, James
French, Barbara
Hess, David
Maxfield, Roy
Potter, Frances
Tilton, Joy
Williams, Robert

Brueggemann, Donald
DeJoie, John
Gile, Mary
Kidder, David
McMahon, Patricia
Reardon, Tara
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Asselin, Michael
Cali-Pitts, Jacqueline
Charron, Gene
Dowd, John
Flockhart, Eileen
Gillick, Thomas
Ingram, Russell
Kobel, Rudolph
Mason, April
Nowe, Ronald
Parker, Benjamin
Scamman, Stella
Waterhouse, Kevin
Winchell, George

Belanger, Ronald
Camm, Kevin
Coburn, James
Dowling, Patricia
Forsing, Robert
Gould, Kenneth
Johnson, Robert
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Rausch, James
Serlin, Christopher
Weare, E Albert
Zolla, William

Bridle, Russell
Carson, Sharon
Cooney, Richard
Doyle, Christopher
Francoeur, Sheila
Griffin, Mary
Katsakiores, George
Lund, Howie
McMahon, Charles
Packard, Sherman
Robertson, Carl
Splaine, James
Welch, David

Buxton, Donald
Casey, Kimberley
Dodge, Robert
Flanders, John Sr
Garrity, James
Headd, James
Katsakiores, Phyllis
Major, Norman
Norelli, Terie
Palazzo, Frank
Rolston, James
Stiles, Nancy
Wells, Roger

STRAFFORD

Berube, Roger
Domingo, Baldwin
Hilliard, Dana
Newton, Clifford
Smith, Marjorie

Bickford, David
Dunlap, Patricia
Hofemann, Roland
Rollo, Michael
Taylor, Kathleen

Cataldo, Sam
Easson, Timothy
Johnson, Nancy
Rous, Emma
Twombly, James

Chaplin, Duncan
Goodwin, Earle
Kaen, Naida
Schmidt, Peter

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Prichard, Stephen

Donovan, Thomas
Irish, Christopher
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Phinizz, James

NAYS 52 BELKNAP

Boyce, Laurie

Rosen, Ralph

CARROLL

None

CHESHIRE

Allen, Peter

COOS

Morneau, Renney

GRAFTON

Alger, John
Maybeck, Margie

Dorsett, Andrew
Mirski, Paul

Eaton, Stephanie

Ingbertson, Paul

HILLSBOROUGH

Aboshar, Jeffrey	Allan, Nelson	Brassard, Paul	Christiansen, Lars
Crane, Elenore Casey	Francoeur, Bea	Gibson, John	Gonzalez, Carlos
Goyette, Peter Jr	Matarazzo, Anthony Sr	McRae, Karen	Renzullo, Andrew
Slocum, Lee	Souza, Kathleen	Ulery, Jordan	

MERRIMACK

Field, William	Greco, Vincent	Kennedy, Richard	Langlais, Thomas
Lockwood, Priscilla	Marple, Richard	Owen, Derek	Rush, Deanna
Soltani, Tony	Whiting, Herbert		

ROCKINGHAM

Bettencourt, David	Bicknell, Elbert	Cady, Harriet	Dumaine, Dudley
Hughes, Daniel	Hutchinson, Karen	Itse, Daniel	Johnson, Rogers
Moody, Marcia	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Smith, Paul	Weyler, Kenneth		

STRAFFORD

Albert, Russell	Campbell, W Packy
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SULLIVAN

Converse, Larry

and the committee report was adopted.

Rep. Joseph E. Stone did not vote and notified the Clerk that he wished to be recorded in favor.

Rep. O'Neil moved adoption of the amendment to House Rules as proposed by the Rules Committee.

AMENDMENT TO HOUSE RULES

Amend House Rule 46 (b) to read as follows:

46. (b) All bills and resolutions affecting state **revenues and fees** shall, if approved by the House when reported from the appropriate policy committee, be referred to the Committee on Ways and Means.

Amend House Rule 49 to read as follows:

49. (a) Whenever there is any disagreement between the House and the Senate on the content of any bill or resolution, and whenever both bodies, voting separately, have agreed to establish a committee of conference, the Speaker shall appoint four members to the House conference committee. Exceptions: (1) the House committee of conference on the operating budget shall consist of five members; and (2) the number of members of the committees of conference on any bill may increase or decrease if the presiding officers of both the House and the Senate agree.

The two committees of conference on a bill shall meet jointly but vote separately while in conference. A unanimous vote by both committees of conference shall be necessary for an agreed report to the House and Senate.

(b) The first-named person from the body where the bill or resolution in disagreement originated shall have the authority to call the time and place for the first meeting of the committee of conference on said bill.

(c) The first-named House member on a committee of conference shall be the chairman of the House conferees. The chairman of the committee of conference of the body where the bill or resolution in disagreement originated shall chair the joint meeting(s) of the committee of conference.

(d) A committee of conference report analysis for all bills and resolutions in conference shall be prepared by the first-named House member on each conference and shall be printed in the House calendar.

(e) A committee of conference report may be placed on the consent calendar only by a unanimous vote of all House conferees.

(f) No action shall be taken on any committee of conference report earlier than some subsequent day after the report has been delivered to the members' seats.

(g) A committee of conference may neither change the title of any bill submitted to it nor add amendments which are not germane to the subject matter of the bill as originally submitted to it. For the purpose of this rule, a non-germane amendment is any subject matter not contained in either the House or Senate version of the bill.

(h) The prime sponsor of any bill or resolution referred to committee of conference shall, upon request, be granted a hearing before said committee prior to action on the bill or resolution.

(i) The report of the committee of conference on the general budget bills or the capital budget bill shall be printed in the appropriate calendar or supplement thereto before action on the report is taken on the floor. Notwithstanding the provisions of paragraph (g) of this rule, amendments to these bills shall be allowed if the subject matter of such amendment was contained in a bill which has been passed by the House.

(j) A member of a committee of conference who has been removed for any reason and replaced with another member of the House shall have his or her name appear on the committee of conference report with a strike-through showing the individual is no longer a member of the committee of conference. Amend House Rule 64 by adding the following:

Thursday, February 24, 2005	Last day to report House bills going to a second committee
Wednesday, March 9, 2005	Last day to act on House bills going to a second committee
Thursday, March 24, 2005	Last day to report all House bills not in a second committee, except budgets
Wednesday, March 30, 2005	Last day to act on all House bills not in a second committee, except budgets
Thursday, April 7, 2005	Last day to report all remaining House bills for action in 1 st year session Last day to hold public hearing on retained House bills
Wednesday, April 13, 2005	Last day to report list of retained House bills
Thursday, May 5, 2005	Last day to act on House bills CROSSOVER Last day to report Senate bills going to a second committee
Wednesday, May 11, 2005	Last day to act on Senate bills going to a second committee
Thursday, May 26, 2005	Last day to report all Senate bills for action in 1 st year session Last day to hold public hearing on retained Senate bills
Wednesday, June 8, 2005	Last day to report list of retained Senate bills
Thursday, June 16, 2005	Last day to act on Senate bills
Wednesday, June 22, 2005 at 3 p.m.	Last day to form Committees of Conference
Wednesday, June 29, 2005	Last day to sign Committee of Conference reports
Monday, September 12, 2005	Last day to act on Committee of Conference reports
Friday, September 23, 2005	First day to file legislation for the 2006 session Last day to file legislation for the 2006 session

Rep. O'Neil offered floor amendment (0081h)

Floor Amendment (0081h)

Amend House Rule 49 by deleting subparagraph (i) and renumbering the original subparagraph (j) to read as (i).

Rep. O'Neil spoke in favor and yielded to questions.

Floor amendment (0081h) adopted.

Rep. Dodge offered floor amendment (0054h).

Floor Amendment (0054h)

Amend House Rule 49(g) by replacing the second sentence with the following:

For the purpose of this rule, a non-germane amendment is any bill section whose subject matter is not contained in either the House or Senate version of the bill.

Amend House Rule 49(i) by deleting the second sentence.

Rep. Dodge spoke in favor.

On a division vote, 109 members having voted in the affirmative and 213 in the negative, floor amendment (0054h) failed.

Rep. Hall offered floor amendment (0053h).

Floor Amendment (0053h)

Amend House Rule 45 by deleting subparagraph (c).

Reps. Hess and Hager spoke against and yielded to questions.

Reps. Daniel Eaton, Mirski and Hall spoke in favor and yielded to questions.

Rep. O'Neil requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (0053h).

YEAS 161 NAYS 162**YEAS 161****BELKNAP**

Boyce, Laurie	Pilliod, James	Tilton, Franklin	Wendelboe, Fran
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CARROLL

Buco, Thomas	Dickinson, Howard	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Parkhurst, Henry

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
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GRAFTON

Alger, John	Benn, Bernard	Cooney, Mary	Giuda, Robert
Ham, Bonnie	Harding, A Laurie	Ingbretson, Paul	Maybeck, Margie
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Sorg, Gregory		

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergeron, Jean-Guy	Biundo, Michael
Brassard, Paul	Campbell, David	Chase, Claudia	Christiansen, Lars
Clark, Mark	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Crane, Elenore Casey	Daniuk, Caitlin
DeVries, Betsi	Dyer, Donald	Essex, David	Foster, Linda
Garrity, Patrick	Gibson, John	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Haley, Robert	Hall, Betty
Harvey, Suzanne	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Holden, Randolph	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Johnson, Paula	Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Messier, Irene	Michon, Stephen	Pappas, Christopher
Pilotte, Maurice	Renzullo, Andrew	Rochette, Eric	Scanlon, Michael
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Smith, David
Souza, Kathleen	Sullivan, Francis	Sullivan, Peter	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	

MERRIMACK

Bouchard, Candace	Clarke, Claire	Danforth, James	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kennedy, Richard	Langlais, Thomas	Marple, Richard
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Ryan, Jim	Shurtleff, Stephen	Soltani, Tony
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Bettencourt, David	Bicknell, Elbert	Cady, Harriet	Cali-Pitts, Jacqueline
Camm, Kevin	Casey, Kimberley	Coburn, James	Flockhart, Eileen
Hughes, Daniel	Hutchinson, Karen	Itse, Daniel	Johnson, Rogers

Kobel, Rudolph
Norelli, Terie
Splaine, James

Lund, Howie
Quandt, Marshall Lee
Weyler, Kenneth

Moody, Marcia
Quandt, Matthew

Morris, Richard
Serlin, Christopher

STRAFFORD

Berube, Roger
Hilliard, Dana
Rollo, Michael
Spang, Judith

Campbell, W Packy
Johnson, Nancy
Rous, Emma
Taylor, Kathleen

Chaplin, Duncan
Kaen, Naida
Schmidt, Peter

Easson, Timothy
Newton, Clifford
Smith, Marjorie

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Jillette, Arthur Jr

Ferland, Brenda
Phinzy, James

Franklin, Peter
Prichard, Stephen

NAYS 162

BELKNAP

Allen, Janet
Heald, Bruce
Russell, David
Whalley, Michael

Clark, Charles
Millham, Alida
Thomas, John

Fitzgerald, James
Nedeau, Stephen
Tobin, William

Flanders, Donald
Rosen, Ralph
Veazey, John

CARROLL

Ahlgren, Christopher
Knox, J David
Patten, Betsey

Babson, David Jr
Martin, James
Philbrick, Donald

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Morrow, Harry

CHESHIRE

Dexter, Judson
Plifka Jr, Stanley
Sawyer, Sheldon

Espiefs, Peter
Richardson, Barbara
Sinclair, Stephanie

Hogancamp, Deborah
Roberts, Kris
Tilton, Anna

Hunt, John
Robertson, Timothy

COOS

King, Frederick
Stohl, Eric

Morneau, Renney

Remick, William

Richardson, Herbert

GRAFTON

Andersen, Gene
Gionet, Edmond

Barker, Robert
Solomon, Peter

Bleyler, Ruth
Ward, John

Dorsett, Andrew
Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey
Bergin, Peter
Chabot, Robert
Elliott, Larry
Gargas, Carolyn
Hansen, Ryan
Kelly, Eugene Jr
Mead, Robert
Ober, Lynne
Ross, Lawrence
Wheeler, Robert

Baines, Stephen
Boehm, Ralph
Christensen, D L Chris
Elliott, Nancy
Golding, William
Hawkins, Ken
Kurk, Neal
Movsesian, Lori
Price, Pamela
Ryder, Donald

Barry, J Gail
Calawa, Leon Jr
Dokmo, Cynthia
Emerton, Larry
Gonzalez, Carlos
Hirschmann, Keith
L'Heureux, Robert
O'Brien, William
Reeves, Sandra
Stepanek, Stephen

Batula, Peter
Carew, James
Drisko, Richard
Francoeur, Bea
Graham, John
Jean, Claudette
Manney, Pamela
O'Connell, Timothy
Rosenwald, Cindy
Tahir, Saghir

MERRIMACK

Anderson, Eric
Field, William
Kidder, David
Maxfield, Roy

Blanchard, Elizabeth
Greco, Vincent
L'Heureux, Stephen
Oliver, James

Brueggemann, Donald
Hager, Elizabeth
Lockwood, Priscilla
Rush, Deanna

Currier, David
Hess, David
MacKay, James
Whiting, Herbert

ROCKINGHAM

Asselin, Michael
Buxton, Donald

Belanger, Ronald
Carson, Sharon

Bishop, Franklin
Charron, Gene

Bridle, Russell
Cooney, Richard

Dodge, Robert
 Dumaine, Dudley
 Garrity, James
 Headd, James
 Katsakiores, Phyllis
 McKinney, Betsy
 Packard, Sherman
 Rausch, James
 Smith, Paul
 Weare, E Albert
 Zolla, William

Dowd, John
 Flanders, John Sr
 Gillick, Thomas
 Ingram, Russell
 Langley, Jane
 McMahon, Charles
 Palazzo, Frank
 Robertson, Carl
 Stiles, Nancy
 Welch, David

Dowling, Patricia
 Forsing, Robert
 Gould, Kenneth
 Johnson, Robert
 Major, Norman
 Nowe, Ronald
 Parker, Benjamin
 Rolston, James
 Stone, Joseph
 Wells, Roger

Doyle, Christopher
 Francoeur, Sheila
 Griffin, Mary
 Katsakiores, George
 Mason, April
 O'Neil, Michael
 Putnam, Ed II
 Scamman, Stella
 Waterhouse, Kevin
 Winchell, George

STRAFFORD

Albert, Russell
 Hofemann, Roland

Cataldo, Sam

Domingo, Baldwin

Dunlap, Patricia

SULLIVAN

Donovan, Thomas
 and floor amendment (0053h) failed.

Irish, Christopher

Rodeschin, Beverly

The question now being adoption of the amendment to House Rules.
 Adopted.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 9, 2005 at 1:00 p.m.
 Adopted.

LATE SESSION

Third reading and final passage

HB 74, relative to the sale of permissible fireworks.

HB 86, relative to property held in police department property rooms.

HB 99, changing the name of the college for lifelong learning to Granite state college.

HB 111, establishing a commission to study the elimination of cervical cancer in the state of New Hampshire.

HB 173, relative to food service and distribution.

HB 124, naming a certain portion of New Hampshire Route 125 the Officer Mel Keddy Memorial highway.

HB 135-FN-A, establishing a committee to study funding sources for the state laboratories and extending the appropriation to the department of corrections for the prison automation system.

HB 160, naming a certain bridge on New Hampshire Route 3 between Pembroke and Allentown.

HB 148, transferring the New Hampshire estuaries project from the department of environmental services to the university of New Hampshire.

HB 174, relative to renewable energy transition service, extending a portion of the system benefits charge, and repealing laws relating to information provided to electric service consumers.

HB 97, relative to replacing school budget committee members.

UNANIMOUS CONSENT

Rep. Espieffs addressed the House.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages only.

Adopted.

The House recessed at 3:35 p.m.

RECESS

(Rep. Clemons in the Chair)**RESOLUTION**

Rep. McKinney offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 317 through 394, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 317-FN, relative to mooring permits and fees. (Currier, Merr 5; Gibson, Hills 19; Goyette, Hills 27; Odell, Dist 8; Johnson, Dist 2: Resources, Recreation and Development)

HB 318-FN-L, relative to providing municipal water supply services. (Bicknell, Rock 1; Barnes, Dist 17: Municipal and County Government)

HB 319-FN-L, requiring the department of environmental services to arbitrate certain disputes between municipalities. (Mirski, Graf 10: Executive Departments and Administration)

HB 320-FN-A-L, relative to educational scholarship grants to qualifying private educational institutions. (Hunt, Ches 7; Hager, Merr 12: Education)

HB 321, requiring health care providers to furnish a patient with a copy of his or her medical complaint form. (Lefebvre, Hills 24: Health, Human Services and Elderly Affairs)

HB 322-FN, relative to the registration fees and requirements for snow traveling vehicles. (R. Cooney, Rock 4: Resources, Recreation and Development)

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds. (Kurk, Hills 7: Municipal and County Government)

HB 324-FN, relative to requirements for legal marriages. (Itse, Rock 9; Marple, Merr 9; Buhlman, Hills 27; Albert, Straf 1; Gibson, Hills 19; L. Christiansen, Hills 27: Judiciary)

HB 325, relative to the burden of proof in child abuse and neglect proceedings. (Itse, Rock 9; Boyce, Belk 5; Bicknell, Rock 1; Gonzalez, Hills 17; Albert, Straf 1: Children and Family Law)

HB 326, relative to motorcycle noise levels. (M. Blanchard, Rock 16; Pantelakos, Rock 16; Bicknell, Rock 1; Weare, Rock 14; Langley, Rock 18; Fuller Clark, Dist 24; Green, Dist 6: Transportation)

HB 327, relative to enforcement of support orders. (Bickford, Straf 3: Children and Family Law)

HB 328, relative to jurisdiction over land occupied by or ceded to the United States. (Marple, Merr 9; L. Christiansen, Hills 27: State-Federal Relations and Veterans Affairs)

HB 329, establishing the crime victim employment leave act. (P. Sullivan, Hills 10: Labor, Industrial and Rehabilitative Services)

HB 330, establishing a commission to study the feasibility of establishing a statewide non-emergency 311 telephone system. (P. Sullivan, Hills 10: Science, Technology and Energy)

HB 331, establishing a committee to study stock and working dogs for agricultural purposes. (McRae, Hills 7; Kennedy, Merr 4; Babson, Carr 3; Gallus, Dist 1: Environment and Agriculture)

HB 332, relative to harassment by telephone. (Tholl, Coos 2: Criminal Justice and Public Safety)

HB 333, relative to the rights of citizens. (Marple, Merr 9; L. Christiansen, Hills 27; Cady, Rock 1: State-Federal Relations and Veterans Affairs)

HB 334, relative to consistency of notices in court proceedings. (Marple, Merr 9; Craig, Hills 9: Judiciary)

HB 335, relative to the review of final proposed rules by the joint legislative committee on administrative rules. (Kennedy, Merr 4: Executive Departments and Administration)

HB 336, relative to the use of secret ballots at town meetings. (Drisko, Hills 5; Ryder, Hills 5; Hall, Hills 5; Gargas, Hills 5: Municipal and County Government)

HB 337, establishing a committee to study small group health insurance and the small brokerage health insurance community. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8; Hassan, Dist 23: Commerce)

HB 338, allowing municipalities to adopt a low income property tax credit. (B. Richardson, Ches 5; Alger, Graf 6: Municipal and County Government)

HB 339, relative to electioneering at polling places. (Easson, Straf 3: Election Law)

HB 340, renaming Jones Brook Wildlife Management Area in Strafford County for former commissioner of fish and game Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg. (Stohl, Coos 1; Chandler, Carr 1; W. P. Campbell, Straf 3; N. Johnson, Straf 3; D'Allesandro, Dist 20; Kenney, Dist 3: Public Works and Highways)

HB 341, establishing a committee to study the curriculum content of an adequate education. (Mirski, Graf 10; Asselin, Rock 7: Education)

HB 342, establishing a commission to study the barriers to the establishment of all-terrain vehicle trails. (B. Richardson, Ches 5; Dickinson, Carr 1; Spang, Straf 7; Stohl, Coos 1; Roberge, Dist 9; Odell, Dist 8: Resources, Recreation and Development)

HB 343, establishing a commission to study accessibility for New Hampshire citizens to the water bodies in the state. (Spang, Straf 7; Dickinson, Carr 1; Merrow, Carr 3; D.L. Christensen, Hills 19; P. McMahon, Merr 3; Johnson, Dist 2: Resources, Recreation and Development)

HB 344, relative to the consensus revenue estimating panel. (Hinkle, Hills 19; King, Coos 1; Hansen, Hills 6; Slocum, Hills 6; Wall, Straf 7: Ways and Means)

HB 345, requiring photo identification to obtain a ballot. (Lund, Rock 5; Hopfgarten, Rock 5: Election Law)

HB 346-L, relative to the procedures for withdrawal from a multi-town school district. (Drisko, Hills 5; Alger, Graf 6; Gottesman, Dist 12: Education)

HB 347, requiring proof of identity for voter registration. (Lund, Rock 5; Hopfgarten, Rock 5: Election Law)

HB 348, relative to mortgages held by parties to a divorce. (Converse, Sull 4: Commerce)

HB 349, relative to placement and removal of political advertising. (Millham, Belk 5: Election Law)

HB 350, relative to enforcement of the labor protection statutes. (Marshall Quandt, Rock 13; DeJoie, Merr 11: Labor, Industrial and Rehabilitative Services)

HB 351, relative to the time for counting absentee ballots. (Patten, Carr 4; Brundige, Hills 19: Election Law)

HB 352, relative to speed limits. (Patten, Carr 4: Transportation)

HB 353, relative to consent to inspect lobster and crab gear of license holders. (Welch, Rock 8; Alger, Graf 6; Letourneau, Dist 19; Johnson, Dist 2: Fish and Game)

HB 354, relative to the review, approval, and adoption of agency rules. (Patten, Carr 4; Stohl, Coos 1; N. Allan, Hills 26; Bicknell, Rock 1; Clegg, Dist 14; Morse, Dist 22; Foster, Dist 13: Executive Departments and Administration)

HB 355, establishing a committee to study the environmental impact and damage mitigation of ATV use on public and private trails. (Franklin, Sull 2: Resources, Recreation and Development)

HB 356, relative to the presentation of a budget in a joint maintenance agreement. (Boyce, Belk 5; Patten, Carr 4; Whalley, Belk 5; Charles Clark, Belk 5; Boyce, Dist 4; Letourneau, Dist 19: Education)

HB 357, relative to negligent driving. (Gile, Merr 10; DeJoie, Merr 11: Transportation)

HB 358, establishing a committee to study the efficacy of the municipal budget committee and cooperative school district budget committee processes. (Casey, Rock 11; C. Robertson, Rock 13; P. McMahon, Merr 3; Asselin, Rock 7; M. Allen, Rock 11; Hassan, Dist 23; Fuller Clark, Dist 24: Municipal and County Government)

HB 359, relative to hardship variances. (Kurk, Hills 7: Municipal and County Government)

HB 360, relative to the amendability of warrant articles requesting appropriations in official ballot towns. (E. Anderson, Merr 13: Municipal and County Government)

HB 361, relative to filling vacancies on a party ticket in cases of disqualification or death. (Dorsett, Graf 8; Maybeck, Graf 8: Election Law)

HB 362, relative to statutes to be posted at polling places. (Dorsett, Graf 8; Drisko, Hills 5; Reeves, Hills 8: Election Law)

HB 363, relative to parking at polling places. (Dorsett, Graf 8; Dickinson, Carr 1; Reeves, Hills 8; Drisko, Hills 5: Election Law)

HB 364, establishing a committee to study adopting the uniform securities act. (D. Eaton, Ches 2: Commerce)

HB 365, relative to recount fees. (Dorsett, Graf 8; Drisko, Hills 5: Election Law)

HB 366, relative to maintenance of voter checklists. (Dorsett, Graf 8; Maybeck, Graf 8: Election Law)

HB 367, allowing municipalities to adopt a homestead exemption for property tax assessments on a person's principal place of residence. (Dorsett, Graf 8: Municipal and County Government)

- HB 368**, relative to limiting the sworn testimony of witnesses. (Buxton, Rock 10; Dodge, Rock 9; Judiciary)
- HB 369**, relative to notice requirements for public hearings on zoning amendments. (Hopfgarten, Rock 5; Municipal and County Government)
- HB 370**, establishing a committee to study the Land Sales Full Disclosure Act and the Condominium Act. (Marshall Quandt, Rock 13; Municipal and County Government)
- HB 371**, relative to mercury reduction. (Phinizy, Sull 5; Babson, Carr 3; Dickinson, Carr 1; P. Sullivan, Hills 10; Ryan, Merr 2; Larsen, Dist 15; Burling, Dist 5; Hassan, Dist 23; Environment and Agriculture)
- HB 372**, relative to notification of interested parties in medical parole cases. (L. Elliott, Hills 1; Criminal Justice and Public Safety)
- HB 373**, relative to eligibility for parole for nonviolent offenders with Immigration and Naturalization Service detainers or deportation orders, or a federal prison sentence. (L. Elliott, Hills 1; Criminal Justice and Public Safety)
- HB 374**, establishing a commission on economic independence. (P. Sullivan, Hills 10; Commerce)
- HB 375**, relative to right-to-know requirements when interviewing applicants for certain public positions. (Scanlon, Hills 18; Judiciary)
- HB 376**, establishing a statutory joint committee on legislative parking facilities. (Kennedy, Merr 4; Dickinson, Carr 1; Public Works and Highways)
- HB 377**, relative to property assessment records posted on the Internet. (Dickinson, Carr 1; M. Smith, Straf 7; Municipal and County Government)
- HB 378**, relative to indicating citizenship on drivers' licenses. (Boyce, Belk 5; Itse, Rock 9; Mirski, Graf 10; Slocum, Hills 6; Bicknell, Rock 1; Letourneau, Dist 19; Boyce, Dist 4; Transportation)
- HB 379**, establishing a committee to study funding for the multiple offender program. (Morris, Rock 14; Criminal Justice and Public Safety)
- HB 380**, relative to absentee voting. (Marple, Merr 9; L. Christiansen, Hills 27; Election Law)
- HB 381-FN**, relative to special elections, voter lists, and conduct of elections. (Drisko, Hills 5; Election Law)
- HB 382**, establishing a commission to develop a strategic capital plan for department of corrections' facilities. (Welch, Rock 8; Charron, Rock 7; Criminal Justice and Public Safety)
- HB 383**, relative to vital records administration. (N. Allan, Hills 26; Pilotte, Hills 16; O'Neil, Rock 15; Martel, Dist 18; Executive Departments and Administration)
- HB 384**, prohibiting mandatory overtime. (Ryan, Merr 2; Labor, Industrial and Rehabilitative Services)
- HB 385**, establishing a committee to study the repeal of the felony count for fourth and subsequent DWI offenders. (Almy, Graf 11; Criminal Justice and Public Safety)
- HB 386**, relative to agricultural best management practices. (Babson, Carr 3; Environment and Agriculture)
- HB 387**, authorizing the state treasurer to make a lawful money requisition order. (Marple, Merr 9; Ingbertson, Graf 5; L. Christiansen, Hills 27; State-Federal Relations and Veterans Affairs)
- HB 388**, establishing a commission to study the retirement system medical benefits subsidy for retired teachers. (French, Merr 5; C. Robertson, Rock 13; F. Sullivan, Hills 12; D'Allesandro, Dist 20; Executive Departments and Administration)
- HB 389**, relative to the duties of the postsecondary education commission. (Patten, Carr 4; S. L'Heureux, Merr 9; Carter, Hills 3; Alger, Graf 6; Snyder, Straf 2; Education)
- HB 390**, relative to the review and approval of individualized education plans. (O'Brien, Hills 4; Mead, Hills 4; Slocum, Hills 6; Roberge, Dist 9; Education)
- HB 391**, relative to voter registration forms for students. (Weed, Ches 3; Pratt, Ches 2; Election Law)
- HB 392-FN**, increasing the mileage reimbursement rate for members of the legislature. (Dickinson, Carr 1; King, Coos 1; Johnson, Dist 2; Kenney, Dist 3; Legislative Administration)
- HB 393**, establishing a committee to study methods for requiring employers to permit volunteer firefighters to respond to calls. (Gorman, Hills 23; Bishop, Rock 2; Phinizy, Sull 5; D. Cote, Hills 23; Palangas, Hills 12; Labor, Industrial and Rehabilitative Services)
- HB 394**, relative to real estate tax lien procedures for tax collectors. (Price, Hills 26; Foster, Dist 13; Municipal and County Government)

(Rep. Reeves in the Chair)**RESOLUTION**

Rep. Hirschmann offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 395 through 399, 401 through 423, House Concurrent Resolution numbered 3, and Constitutional Amendment Concurrent Resolutions numbered 11 and 12 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HCR, and CACRs**First, second reading and referral**

HB 395, relative to the adoption of a long-term contract by a school district. (Villeneuve, Hills 18; M. Clark, Hills 18; Gibson, Hills 19; Roberge, Dist 9: Education)

HB 396, relative to tuition contracts between schools. (Villeneuve, Hills 18; Gibson, Hills 19; Roberge, Dist 9: Education)

HB 397, relative to authority to file an abuse or neglect petition under the Child Protection Act. (Bickford, Straf 3: Children and Family Law)

HB 398, removing judicial discretion to include life insurance in a child support order. (Bickford, Straf 3: Children and Family Law)

HB 399-FN, relative to the Informed Consent for Abortion Act. (Hagan, Hills 17; Souza, Hills 11; Sorg, Graf 3: Health, Human Services and Elderly Affairs)

HB 401-FN-A, making an appropriation to the Seacoast Shipyard Association. (Splaine, Rock 16; M. Blanchard, Rock 16; Norelli, Rock 16; Pantelakos, Rock 16; Cali-Pitts, Rock 16; Fuller Clark, Dist 24; Hassan, Dist 23: Finance)

HB 402, relative to filling certain vacancies in multi-member representative districts. (Schmidt, Straf 4; Buhlman, Hills 27; Scanlon, Hills 18; Keans, Straf 1; Spang, Straf 7; Green, Dist 6; Fuller Clark, Dist 24: Election Law)

HB 403, limiting permissible gifts to elected officials. (Jasper, Hills 27: Legislative Administration)

HB 404, permitting public sector employees to request a wage deduction for contributions to a political action committee. (Heon, Straf 2; C. Robertson, Rock 13; Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; D'Allesandro, Dist 20: Labor, Industrial and Rehabilitative Services)

HB 405, relative to discovery depositions in criminal cases of persons under 16 years of age. (Dumaine, Rock 3; Hagan, Hills 17; P. Smith, Rock 3; Itse, Rock 9: Judiciary)

HB 406, revising certain provisions of the home education statutes. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13: Education)

HB 407-FN-L, relative to licensing of dogs. (Patten, Carr 4: Municipal and County Government)

HB 408, relative to the sale of town-owned land. (Patten, Carr 4: Municipal and County Government)

HB 409, requiring identification on tree stands, pit blinds, and observation blinds used for hunting. (Welch, Rock 8; Alger, Graf 6; Letourneau, Dist 19; Johnson, Dist 2: Fish and Game)

HB 410, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral. (Graham, Hills 18; Coughlin, Hills 4; Kurk, Hills 7; Heon, Straf 2; Kenney, Dist 3: Municipal and County Government)

HB 411, relative to the North Conway water precinct. (Dickinson, Carr 1; Chandler, Carr 1; Bucu, Carr 1; C. Brown, Carr 1; Kenney, Dist 3: Municipal and County Government)

HB 412, relative to the authority of zoning boards of adjustment to grant variances. (Sorg, Graf 3; Boyce, Belk 5: Municipal and County Government)

HB 413, relative to the appointment of the chief justice of the superior court. (Rowe, Hills 6: Judiciary)

HB 414, relative to regulation of municipal waste combustors. (Maxfield, Merr 6: Science, Technology and Energy)

HB 415, excepting installation of fuel gas equipment from regulation by the electrician's board. (Newton, Straf 1; Adams, Hills 2: Executive Departments and Administration)

HB 416, relative to billing for the semi-annual collection of property taxes. (Hopfgarten, Rock 5; Lund, Rock 5: Municipal and County Government)

HB 417, relative to petitions for municipal charter revisions. (Hopfgarten, Rock 5; Lund, Rock 5: Municipal and County Government)

HB 418, allowing towns with town charters to have wards. (Hopfgarten, Rock 5; Lund, Rock 5: Municipal and County Government)

HB 419, relative to the Mount Sunapee ski area boundary and lease terms. (P. McMahon, Merr 3; Kennedy, Merr 4; Jillette, Sull 2; P. Allen, Ches 6; C. Hamm, Merr 4: Resources, Recreation and Development)

HB 420, relative to licensing by the board of mental health practice. (Dexter, Ches 6; Pilotte, Hills 16; DeJoie, Merr 11: Executive Departments and Administration)

HB 421, establishing a committee to study effective dates on legislation. (M. Blanchard, Rock 16: Legislative Administration)

HB 422, relative to exemptions from the consumer protection act. (Marshall Quandt, Rock 13: Commerce)

HB 423, relative to insurance premiums for medical malpractice liability insurance. (Itse, Rock 9; Soltani, Merr 8; Clegg, Dist 14: Commerce)

HCR 3, urging Congress to require the Department of Justice to conduct a review and release information to the public regarding mistreatment and restrictions placed on Italian-American citizens of the United States during World War II. (Pepino, Hills 11; DiFruscia, Rock 4; Movsesian, Hills 22; Zolla, Rock 5; D'Allesandro, Dist 20: State-Federal Relations and Veterans Affairs)

CACR 11, relating to the compensation of the legislature. Providing that legislative members receive a payment for each day of legislative attendance and reimbursement for certain necessary expenses. (Bicknell, Rock 1; Boyce, Dist 4: Legislative Administration)

CACR 12, relating to judicial conduct. Providing that the people of New Hampshire, in a manner established by law, shall be responsible for investigating and evaluating the conduct of members of the judicial branch. (Rowe, Hills 6: Judiciary)

RECESS

(Rep. Rogers Johnson in the Chair)

RESOLUTION

Rep. Weyler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 424 through 451, House Concurrent Resolution numbered 4, and Constitutional Amendment Concurrent Resolution numbered 13 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HCR, and CACR

First, second reading and referral

HB 424-FN, prohibiting gifts to elected officials. (Solomon, Graf 10: Legislative Administration)

HB 425-FN-L, increasing fees paid to municipalities for registering current model year vehicles. (Scanlon, Hills 18: Municipal and County Government)

HB 426, establishing a committee to study the transfer of a certain employee of the department of environmental services. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8; Hassan, Dist 23: Executive Departments and Administration)

HB 427, repealing common law marriage. (Bickford, Straf 3: Judiciary)

HB 428, relative to clarifying the authority of the Pease development authority and the division of ports and harbors. (Patten, Carr 4: Public Works and Highways)

HB 429, relative to representation by nonattorneys before the board of tax and land appeals. (Dowling, Rock 5: Municipal and County Government)

HB 430-FN-A, establishing a one-day resident fishing license. (Carlson, Hills 3: Fish and Game)

HB 431-FN-L, requiring run-offs in certain local elections. (Hawkins, Hills 18; Graham, Hills 18; Roberge, Dist 9: Municipal and County Government)

HB 432-FN, relative to the septage handling and treatment facilities grant program. (Philbrick, Carr 2; Patten, Carr 4; Babson, Carr 3; B. Williams, Graf 8; Johnson, Dist 2: Environment and Agriculture)

- HB 433-FN-A**, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor. (King, Coos 1; Stohl, Coos 1; Gallus, Dist 1: Resources, Recreation and Development)
- HB 434-FN**, requiring state agencies using automated answering systems to provide a method of access to a human being. (L. Elliott, Hills 1; Wall, Straf 7; P. Smith, Rock 3; Foster, Hills 4; King, Coos 1; Wall, Straf 7; Odell, Dist 8; Clegg, Dist 14: Executive Departments and Administration)
- HB 435**, establishing a separate high school civics graduation requirement. (P. Smith, Rock 3; Whalley, Belk 5; Naro, Graf 7; Phinizy, Sull 5; Alger, Graf 6; Estabrook, Dist 21; Letourneau, Dist 19: Boyce, Dist 4: Education)
- HB 436**, relative to the appointment of representatives to regional planning commissions. (Ferland, Sull 5; Odell, Dist 8: Municipal and County Government)
- HB 437**, relative to the disposition of municipal records. (N. Allan, Hills 26; Pilotte, Hills 16; O'Neil, Rock 15: Municipal and County Government)
- HB 438**, relative to emissions requirements for municipal waste combustion units. (Phinizy, Sull 5; Donovan, Sull 4; Converse, Sull 4; Cloutier, Sull 4; Jillette, Sull 2; Burling, Dist 5; Odell, Dist 8: Science, Technology and Energy)
- HB 439**, relative to registration requirements for criminal offenders. (Knowles, Straf 6; Welch, Rock 8; Tholl, Coos 2; Gilbert, Rock 12; Foster, Dist 13; Roberge, Dist 9; Letourneau, Dist 19: Criminal Justice and Public Safety)
- HB 440**, relative to hearing ear dogs, guide dogs, and service dogs. (Parkhurst, Ches 4; Solomon, Graf 10; Merrow, Carr 3; D. Eaton, Ches 2: Criminal Justice and Public Safety)
- HB 441**, relative to the publication of honor rolls and academic awards. (G. Katsakiores, Rock 5; P. Katsakiores, Rock 5; Dowd, Rock 5; Wiley, Rock 5; Letourneau, Dist 19: Education)
- HB 442**, establishing a committee to study the feasibility and need for a vocational technical education program at Mascoma Valley regional high school. (Solomon, Graf 10; Mirski, Graf 10; Mulholland, Graf 10: Education)
- HB 443**, relative to the statute of limitations for fire code violations. (Knowles, Straf 6; S. L'Heureux, Merr 9; Pantelakos, Rock 16; Weare, Rock 14; Welch, Rock 8; Barnes, Dist 17; Estabrook, Dist 21; Kenney, Dist 3: Criminal Justice and Public Safety)
- HB 444**, relative to the surrender of diseased or injured game animals to the fish and game department. (R. L'Heureux, Hills 19; Brassard, Hills 17; Gorman, Hills 23; Morneau, Coos 4; M. Clark, Hills 18; Gallus, Dist 1; Roberge, Dist 9: Fish and Game)
- HB 445**, relative to the taking of certain game birds and fur-bearing animals. (R. L'Heureux, Hills 19; Brassard, Hills 17; Gorman, Hills 23; Morneau, Coos 4; M. Clark, Hills 18; Gallus, Dist 1: Fish and Game)
- HB 446**, relative to applications for resident hunting or fishing licenses. (R. L'Heureux, Hills 19; Gorman, Hills 23; Brassard, Hills 17; Morneau, Coos 4; M. Clark, Hills 18; Gallus, Dist 1; Roberge, Dist 9: Fish and Game)
- HB 447-FN**, relative to black bear license and tag fees. (Barker, Graf 6: Fish and Game)
- HB 448-FN**, relative to the collection of certain fees by the postsecondary education commission. (S. L'Heureux, Merr 9; Carter, Hills 3; Snyder, Straf 2; Green, Dist 6: Education)
- HB 449-FN**, relative to special wild turkey seasons and permits. (Barker, Graf 6: Fish and Game)
- HB 450-FN-A**, extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor. (Bickford, Straf 3; Cady, Rock 1; Brundige, Hills 19; Hinkle, Hills 19: Children and Family Law)
- HB 451-FN-L**, requiring the separate preparation and approval process for the special education budget. (O'Brien, Hills 4; Mead, Hills 4; Roberge, Dist 9: Education)
- HCR 4**, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire. (Newton, Straf 1; Heon, Straf 2; Pantelakos, Rock 16; Welch, Rock 8; Twombly, Straf 1; Bicknell, Rock 1; Clegg, Dist 14; Boyce, Dist 4; Fuller Clark, Dist 24; Green, Dist 6: State-Federal Relations and Veterans Affairs)
- CACR 13**, relating to prohibiting an income tax. Providing that no tax on personal income shall be levied by the state of New Hampshire (Mirski, Graf 10; Weyler, Rock 8; Alger, Graf 6; Balboni, Hills 21; O'Neil, Rock 15; Boyce, Dist 4; Gallus, Dist 1; Johnson, Dist 2: Ways and Means)

(Rep. O'Neil in the Chair)

RESOLUTION

Rep. Price offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 452 through 499, 501 through 527 and Constitutional Amendment Concurrent Resolutions numbered 14, 15 and 16, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.
 Adopted.

INTRODUCTION OF HOUSE BILLS and CACRs**First, second reading and referral**

HB 452, relative to champerty in actions to quiet title and to extinguish mineral rights. (Marple, Merr 9: Judiciary)

HB 453-FN, relative to boat launch access and parking without charge at Hampton and Rye harbors for persons 65 years of age or older. (R. L'Heureux, Hills 19; Abbott, Rock 12; Merrow, Carr 3; Griffin, Rock 4; Gorman, Hills 23; Roberge, Dist 9; Gallus, Dist 1; Martel, Dist 18; Johnson, Dist 2: Ways and Means)

HB 454, relative to carrying a concealed weapon without a license. (Marple, Merr 9: Criminal Justice and Public Safety)

HB 455-FN, relative to establishing a board of private investigation and security services. (Dumaine, Rock 3; Ulery, Hills 27: Executive Departments and Administration)

HB 456-FN, relative to admissions to the state hospital for certain substance abusers. (Morris, Rock 14: Children and Family Law)

HB 457, relative to excavating and dredging permit exemptions for water conveyance systems. (Infantine, Hills 13; Hebert, Hills 17; Hirschmann, Hills 17: Resources, Recreation and Development)

HB 458, allowing towns to permit limited youth voting in municipal elections. (Almy, Graf 11; Hammond, Graf 11: Election Law)

HB 459, relative to access to criminal records and enhanced 911 system records and excluding information brokers from private detective licensing. (Tholl, Coos 2; Stevens, Carr 4: Criminal Justice and Public Safety)

HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications. (Maxfield, Merr 6: Science, Technology and Energy)

HB 461-FN, establishing number plates supporting New Hampshire public higher education. (F. Sullivan, Hills 12; Pilote, Hills 16; Hunter, Hills 7; Barody, Hills 13; D'Allesandro, Dist 20; Martel, Dist 18: Transportation)

HB 462, prohibiting road toll refunds for idling time. (Pilliod, Belk 5; Emerson, Ches 7: Ways and Means)

HB 463, relative to evidence of admissions in medical injury actions. (Price, Hills 26; Batula, Hills 19; MacKay, Merr 11; Miller, Straf 7; Odell, Dist 8; Gallus, Dist 1; Roberge, Dist 9: Judiciary)

HB 464, relative to the construction of a substance abuse treatment facility in Unity, New Hampshire. (Gale, Sull 3: Executive Departments and Administration)

HB 465-FN, authorizing the board of medicine to take non-disciplinary remedial action against physicians. (Pilliod, Belk 5; Emerson, Ches 7: Executive Departments and Administration)

HB 466-FN-A, establishing a research and development tax credit against the business profits tax and the business enterprise tax. (Hinkle, Hills 19; Hansen, Hills 6; Michon, Hills 25; Slocum, Hills 6; Roberge, Dist 9; Boyce, Dist 4: Ways and Means)

HB 467, relative to naming private roads. (Bickford, Straf 3: Municipal and County Government)

HB 468, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. (Knowles, Straf 6; Bickford, Straf 3; Soltani, Merr 8; P. Sullivan, Hills 10; Hassan, Dist 23; Burling, Dist 5; Roberge, Dist 9: Criminal Justice and Public Safety)

HB 469, regulating disputes between homeowners and contractors relative to residential construction defects. (Infantine, Hills 13; W. P. Campbell, Straf 3; Holden, Hills 7; Clegg, Dist 14: Commerce)

HB 470-FN-A, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs. (Gile, Merr 10; Wallner, Merr 12; Moran, Hills 18; Estabrook, Dist 21: Children and Family Law)

HB 471, relative to probate requirements for small estates. (S. Scamman, Rock 13; Langley, Rock 18: Judiciary)

HB 472, relative to the definition of recreational program. (Patten, Carr 4; Gile, Merr 10: Executive Departments and Administration)

HB 473, relative to the creation of screening panels for medical injury claims. (C. Hamm, Merr 4; Wall, Straf 7; Miller, Straf 7; DiFruscia, Rock 4; M. Blanchard, Rock 16; Fuller Clark, Dist 24: Health, Human Services and Elderly Affairs)

HB 474, establishing a commission to study the accessible housing needs and available financial assistance resources for individuals with disabilities. (R. L'Heureux, Hills 19; Gorman, Hills 23; D. Cote, Hills 23; D'Allesandro, Dist 20; Martel, Dist 18; Roberge, Dist 9: Health, Human Services and Elderly Affairs)

HB 475, relative to access to certain criminal records. (Dumaine, Rock 3; Hagan, Hills 17: Criminal Justice and Public Safety)

HB 476, revising the definition of adultery. (W. P. Campbell, Straf 3: Children and Family Law)

HB 477-FN, increasing registration fees for pesticides and commercial feeds. (Babson, Carr 3: Environment and Agriculture)

HB 478-FN-A, making an appropriation for "Newslite for the Blind." (Pilliod, Belk 5; MacKay, Merr 11; Emerson, Ches 7; D'Allesandro, Dist 20: Finance)

HB 479, relative to tax bills for land use change taxes. (W. P. Campbell, Straf 3: Environment and Agriculture)

HB 480, relative to innovative land use controls. (Mirski, Graf 10: Municipal and County Government)

HB 481, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651: 8-b, RSA 135-C, and RSA 171-B. (L. Elliott, Hills 1; C. McMahon, Rock 4: Executive Departments and Administration)

HB 482-FN, relative to the application form for absentee ballots. (Dorsett, Graf 8; Maybeck, Graf 8: Election Law)

HB 483, relative to instructions to be placed on the general election ballot. (Dorsett, Graf 8; Dickinson, Carr 1; Drisko, Hills 5; Reeves, Hills 8: Election Law)

HB 484, allowing deer hunting with a primitive flintlock muzzleloader. (Kennedy, Merr 4; Dickinson, Carr 1: Fish and Game)

HB 485, relative to the basis for awarding custody to a stepparent or grandparent. (Bickford, Straf 3: Children and Family Law)

HB 486, establishing a committee to study firearms confiscation practices in domestic violence matters. (Dickinson, Carr 1; Welch, Rock 8; Bicknell, Rock 1; Kennedy, Merr 4; Bickford, Straf 3; Boyce, Dist 4; Letourneau, Dist 19; Kenney, Dist 3: Criminal Justice and Public Safety)

HB 487-FN, establishing a volunteer lake assessment program in the department of environmental services. (Alger, Graf 6; Carrier, Merr 5; Johnson, Dist 2: Resources, Recreation and Development)

HB 488, establishing a task force on mental health costs. (Wendelboe, Belk 1: Health, Human Services and Elderly Affairs)

HB 489-FN, relative to disclosing an ownership interest in certain health care facilities and businesses. (Morrison, Belk 2; Wall, Straf 7; Mooney, Hills 19: Health, Human Services and Elderly Affairs)

HB 490, relative to law enforcement access to financial records under the New Hampshire right to privacy act. (MacKay, Merr 11: Commerce)

HB 491, relative to the inherent dangers of OHRV operation and limiting landowner liability for certain fish and game related land uses. (Stohl, Coos 1: Fish and Game)

HB 492, relative to health standards for food service handlers. (Morris, Rock 14: Health, Human Services and Elderly Affairs)

HB 493, relative to noncommercial antique motor vehicle restoration activities. (Gibson, Hills 19; Bicknell, Rock 1; Newton, Straf 1: Transportation)

HB 494, establishing a commission to study creating a controlled substance prescription monitoring program. (Pilliod, Belk 5; Butynski, Ches 4; Emerson, Ches 7: Health, Human Services and Elderly Affairs)

HB 495, relative to court records in civil cases involving taxpayer money. (Dumaine, Rock 3: Judiciary)

HB 496, relative to limits on non-economic damages in medical injury actions. (Dickinson, Carr 1; Pilliod, Belk 5; MacKay, Merr 11; Pepino, Hills 11; Gallus, Dist 1; Kenney, Dist 3: Judiciary)

- HB 497**, relative to stolen checks. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8; Soltani, Merr 8; Bettencourt, Rock 4: Criminal Justice and Public Safety)
- HB 498**, establishing a study committee relative to the sale of fire-safe cigarettes. (Morris, Rock 14: Criminal Justice and Public Safety)
- HB 499**, relative to participation in and administration of the Manchester employees' contributory retirement system. (Baroody, Hills 13: Executive Departments and Administration)
- HB 501**, relative to proving qualifications to vote, requiring identification to obtain a ballot, and relative to citizenship on New Hampshire identifications. (Slocum, Hills 6; Soltani, Merr 8; Boyce, Belk 5; Sorg, Graf 3; Hopfgarten, Rock 5: Election Law)
- HB 502-FN**, allowing certain surviving spouses to receive a retirement system death benefit. (Cloutier, Sull 4; Houde-Quimby, Sull 1; Naro, Graf 7; Pepino, Hills 11; Prichard, Sull 1; Burling, Dist 5; D'Allesandro, Dist 20; Green, Dist 6; Odell, Dist 8: Executive Departments and Administration)
- HB 503-FN-A-L**, relative to distribution of tobacco settlement funds. (Barry, Hills 16: Ways and Means)
- HB 504**, relative to the assessment or refund of real estate transfer taxes, and the recording of plans with the register of deeds. (Patten, Carr 4: Municipal and County Government)
- HB 505**, relative to recording mailing addresses on property deeds. (Patten, Carr 4: Municipal and County Government)
- HB 506**, including employees of charitable organizations under the protection of the state law against discrimination. (Rogers Johnson, Rock 13; P. McMahon, Merr 3; Ulery, Hills 27; Bergin, Hills 6; Brundige, Hills 19; Hassan, Dist 23; Larsen, Dist 15; Foster, Dist 13; Fuller Clark, Dist 24: Labor, Industrial and Rehabilitative Services)
- HB 507**, establishing a commission to study noise and hours of operation of motor vehicle race-tracks. (Mirski, Graf 10; Solomon, Graf 10; Bleyler, Graf 9; Mulholland, Graf 10: Transportation)
- HB 508**, relative to ex parte hearings. (Kennedy, Merr 4: Judiciary)
- HB 509**, relative to election of police chiefs. (Kennedy, Merr 4: Municipal and County Government)
- HB 510**, relative to financial affidavits in domestic relations cases. (Wallner, Merr 12; Moran, Hills 18: Children and Family Law)
- HB 511**, relative to the confidentiality of records pertaining to the support of dependent children. (Wallner, Merr 12; Moran, Hills 18: Children and Family Law)
- HB 512**, establishing a commission to study the feasibility of empowering the New Hampshire housing finance authority to give reverse mortgage loans. (Mirski, Graf 10; Alger, Graf 6; Parkhurst, Ches 4: Municipal and County Government)
- HB 513**, relative to motor vehicle inspection stations. (Ingbreton, Graf 5; Letourneau, Dist 19: Transportation)
- HB 514**, establishing the New Hampshire health care quality assurance commission. (Craig, Hills 9; Batula, Hills 19; S. Francoeur, Rock 15; Price, Hills 26; Miller, Straf 7; D'Allesandro, Dist 20; Gottesman, Dist 12: Health, Human Services and Elderly Affairs)
- HB 515**, relative to group health insurance coverage for certain entities. (Dickinson, Carr 1; Stepanek, Hills 6; Lasky, Hills 26; Price, Hills 26; M. Blanchard, Rock 16; Wall, Straf 7; Kennedy, Merr 4; C. Brown, Carr 1; Gallus, Dist 1; Kenney, Dist 3; Foster, Dist 13; Clegg, Dist 14: Commerce)
- HB 516**, relative to general qualifications for elective office. (Itse, Rock 9; Bicknell, Rock 1; Buhlman, Hills 27; Cataldo, Straf 3; Ingbreton, Graf 5: Election Law)
- HB 517**, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste. (C. Hamm, Merr 4; Phinzy, Sull 5; Holden, Hills 7; Keans, Straf 1; Green, Dist 6; Odell, Dist 8: Environment and Agriculture)
- HB 518-FN**, relative to eligibility for youth operators' licenses. (Packard, Rock 3; Kurk, Hills 7: Transportation)
- HB 519-L**, relative to the authority to accept dedicated streets and to subdivision roads. (W. P. Campbell, Straf 3: Municipal and County Government)
- HB 520**, relative to the USA Patriot Act. (Marple, Merr 9; Buhlman, Hills 27; L. Christiansen, Hills 27: State-Federal Relations and Veterans Affairs)
- HB 521**, relative to medical insurance coverage for members of the Manchester employees' contributory retirement system. (Baroody, Hills 13: Executive Departments and Administration)

HB 522, establishing a committee to study gaming options for New Hampshire. (Vaillancourt, Hills 15; Holden, Hills 7; Pantelakos, Rock 16; Baroody, Hills 13; R. L'Heureux, Hills 19; Gatsas, Dist 16; Barnes, Dist 17; D'Allesandro, Dist 20; Martel, Dist 18: Ways and Means)

HB 523-FN-L, increasing the marriage license fee. (D. Campbell, Hills 24: Ways and Means)

HB 524, relative to outsourcing of jobs. (Weed, Ches 3; Owen, Merr 4: Labor, Industrial and Rehabilitative Services)

HB 525, establishing a committee to study the leasing of state-owned conservation land to private entities and relative to a temporary prohibition on the leasing of such lands. (Franklin, Sull 2; Jillette, Sull 2: Resources, Recreation and Development)

HB 526, relative to temporary hearings on domestic violence petitions. (Bickford, Straf 3: Criminal Justice and Public Safety)

HB 527, relative to protective orders and possession of firearms. (Kennedy, Merr 4: Criminal Justice and Public Safety)

CACR 14, relating to tax money and religious schools or institutions. Providing that the language in article 83 of the second part of the New Hampshire constitution which states that “: *Provided, nevertheless*, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination” shall be deleted from the article. (W. P. Campbell, Straf 3; Wendelboe, Belk 1: Education)

CACR 15, relating to the use of certain revenues. Providing that revenues raised by a statewide property tax, income tax, or general sales tax be used exclusively to support local public schools. (Mirski, Graf 10: Ways and Means)

CACR 16, relating to the definition and constitutionality of judicial and legislative acts. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts. (Sorg, Graf 3; Slocum, Hills 6; Boyce, Belk 5; Mirski, Graf 10; Itse, Rock 9; Boyce, Dist 4; Clegg, Dist 14: Judiciary)

RECESS

(Rep. McKay in the Chair)

RESOLUTION

Rep. Weyler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 528 through 598, House Joint Resolution numbered 2, House Concurrent Resolutions numbered 5 through 10, House Resolutions 11 and 12 and Constitutional Amendment Concurrent Resolutions numbered 17 through 21, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS, HJR, HCRs, HRs and CACRs

First, second reading and referral

HB 528-FN-L, relative to acquisitions of state surplus real property by municipalities. (C. Hamm, Merr 4; Owen, Merr 4; Hammond, Graf 11: Public Works and Highways)

HB 529, establishing a presumption in favor of shared parental rights and responsibilities. (Bickford, Straf 3; Brundige, Hills 19; Hinkle, Hills 19: Children and Family Law)

HB 530, relative to an informed jury. (Marple, Merr 9; DiFruscia, Rock 4; Ingbertson, Graf 5; Sorg, Graf 3; L. Christiansen, Hill 27; Boyce, Dist 4: Judiciary)

HB 531, relative to application for a writ of habeas corpus. (Marple, Merr 9; Buhlman, Hills 27; L. Christiansen, Hills 27; Ingbertson, Graf 5: Criminal Justice and Public Safety)

HB 532, relative to the licensure of dentists by the board of dental examiners. (Langley, Rock 18: Executive Departments and Administration)

HB 533-FN, relative to penalties for aggravated felonious sexual assault. (Knowles, Straf 6; Welch, Rock 8; Tholl, Coos 2: Criminal Justice and Public Safety)

HB 534, relative to requirements of property appraisal companies. (Cady, Rock 1; Marshall Quandt, Rock 13; Roberge, Dist 9: Municipal and County Government)

HB 535-FN-A, increasing the tobacco tax. (Almy, Graf 11; Hager, Merr 12; Pilliod, Belk 5; Burling, Dist 5: Ways and Means)

HB 536, relative to excluding deductions from compensation from all elected state, county, and local officials. (Marple, Merr 9; L. Christiansen, Hills 27; Sorg, Graf 3; Welch, Rock 8; P. Johnson, Hills 26: Legislative Administration)

HB 537, relative to liens filed with public servants. (Marple, Merr 9; Ingbretson, Graf 5; L. Christiansen, Hills 27: Municipal and County Government)

HB 538, relative to disposing of construction and demolition debris. (Kennedy, Merr 4; French, Merr 5; C. Hamm, Merr 4; Currier, Merr 5; Ryan, Merr 2: Environment and Agriculture)

HB 539-FN-A-L, relative to land and community heritage investment program administration. (D. L. Christensen, Hills 19; Spang, Straf 7; Keans, Straf 1; O'Connell, Hills 6; Estabrook, Dist 21; Gallus, Dist 1; Larsen, Dist 15: Finance)

HB 540-FN, relative to the disposal of real property purchased with highway or turnpike funds. (Graham, Hills 18; Dodge, Rock 9; Cloutier, Sull 4; Rausch, Rock 5; Morse, Dist 22; Clegg, Dist 14; D'Allesandro, Dist 20: Public Works and Highways)

HB 541, relative to repealing the incorporation of the New Hampshire Bar Association. (Marple, Merr 9; L. Christiansen, Hills 27: Judiciary)

HB 542, making technical corrections to the uniform trust code. (Hunt, Ches 7: Judiciary)

HB 543, establishing a commission to study probate court processes and probate law. (Cady, Rock 1; Reeves, Hills 8: Judiciary)

HB 544, relative to the land and community heritage program. (Rous, Straf 7; B. Williams, Graf 8; Babson, Carr 3; Odell, Dist 8: Environment and Agriculture)

HB 545-FN, allowing retired police officers to become teachers without rejoining the state retirement system. (Dunn, Ches 3; Naro, Graf 7; Claire Clarke, Merr 6; Hagan, Hills 17; Gatsas, Dist 16; D'Allesandro, Dist 20: Executive Departments and Administration)

HB 546, relative to the status of the board of trustees of the retirement system. (Zolla, Rock 5; Flanders, Dist 7: Executive Departments and Administration)

HB 547-FN, changing the funding limit for on-premise-use fuel oil storage facilities. (D. L. Christensen, Hills 19; Babson, Carr 3; R. Cooney, Rock 4; Barnes, Dist 17: Finance)

HB 548, allowing municipalities to include in property tax inventory the value of new construction assessed as of July 1. (Hirschmann, Hills 17; Hebert, Hills 17; Infantine, Hills 13: Municipal and County Government)

HB 549, modifying notice requirements for the acceptance of unanticipated funds by a school district. (Brundige, Hills 19; Mooney, Hills 19; Batula, Hills 19; D. L. Christensen, Hills 19; N. Elliott, Hills 19; Roberge, Dist 9: Municipal and County Government)

HB 550-FN, requiring placards in vehicles operated by persons learning to drive. (Morris, Rock 14; Hammond, Graf 11: Transportation)

HB 551-FN-L, relative to the timing of security or assessment in subdivision plat approval. (W. P. Campbell, Straf 3: Municipal and County Government)

HB 552, proclaiming March as New Hampshire Irish American Month. (P. Sullivan, Hills 10; Fuller Clark, Dist 24: Executive Departments and Administration)

HB 553-FN-A, relative to a state tax on large lottery winnings. (Field, Merr 7: Ways and Means)

HB 554-FN-A, establishing a state property tax relief program for seniors and the disabled. (Packard, Rock 3; Dumaine, Rock 3; Carter, Hills 3; Bragdon, Dist 11: Ways and Means)

HB 555, establishing February 6 as Ronald Reagan Day. (Bettencourt, Rock 4; Boyce, Belk 5; Dokmo, Hills 6; Rogers Johnson, Rock 13; Weyler, Rock 8; Letourneau, Dist 19; Boyce, Dist 4: Executive Departments and Administration)

HB 556-FN, requiring registration of drug offenders. (Hinkle, Hills 19; Drisko, Hills 5; Mooney, Hills 19; Roberge, Dist 9: Criminal Justice and Public Safety)

HB 557, relative to the submission of data to the department of education. (Dunn, Ches 3; Naro, Graf 7: Education)

HB 558, relative to the circumstances constituting sexual assault. (Knowles, Straf 6; Gile, Merr 10; Gilbert, Rock 12; Tholl, Coos 2; Estabrook, Dist 21; Roberge, Dist 9: Criminal Justice and Public Safety)

HB 559-FN, establishing a preference for New Hampshire vendors in state procurement contracts. (Hinkle, Hills 19; Cloutier, Sull 4: Public Works and Highways)

HB 560, relative to timber harvesting. (Dickinson, Carr 1; Merrow, Carr 3; Babson, Carr 3; Gallus, Dist 1; Johnson, Dist 2: Environment and Agriculture)

HB 561, relative to reasonable accommodation by employers under the state law against discrimination. (Rogers Johnson, Rock 13; P. McMahon, Merr 3; Ulery, Hills 27; Bergin, Hills 6; Brundige,

Hills 19; Hassan, Dist 23; Larsen, Dist 15; Foster, Dist 13; Fuller Clark, Dist 24: Labor, Industrial and Rehabilitative Services)

HB 562, relative to eliminating certain mercury-added products. (Babson, Carr 3; Phinizy, Sull 5; C. Hamm, Merr 4; Dickinson, Carr 1; Larsen, Dist 15; Fuller Clark, Dist 24: Environment and Agriculture)

HB 563-FN-A, increasing the tobacco tax. (Butynski, Ches 4; Pilliod, Belk 5; Kathleen Taylor, Straf 4; Hogancamp, Ches 4: Ways and Means)

HB 564, permitting the limited use of alcohol in high school culinary arts programs. (Clemons, Hills 24: Education)

HB 565-FN-A, relative to the demolition of a certain building to provide access for a public boat ramp for Winnisquam Lake and making an appropriation therefor. (D. Flanders, Belk 4; Fitzgerald, Belk 4; Rosen, Belk 4; F. Tilton, Belk 4; Veazey, Belk 4; Boyce, Dist 4; Johnson, Dist 2: Public Works and Highways)

HB 566, relative to eligibility for public benefits and drivers' licenses. (Kurk, Hills 7: Health, Human Services and Elderly Affairs)

HB 567, relative to mediation in family law cases involving children. (Franklin, Sull 2; Bickford, Straf 3; Gargasz, Hills 5: Children and Family Law)

HB 568, establishing the greater Derry-Salem cooperative alliance for regional transportation. (R. Cooney, Rock 4; Rausch, Rock 5; Morse, Dist 22; Letourneau, Dist 19: Transportation)

HB 569, allowing municipalities to adopt low and moderate income homeowner's property tax relief for local education property taxes. (Alger, Graf 6; Parkhurst, Ches 4: Municipal and County Government)

HB 570, relative to site plan review and the definition of inclusionary zoning. (Spang, Straf 7; Schmidt, Straf 4; Dickinson, Carr 1: Municipal and County Government)

HB 571-FN, relative to moorings on Bow Lake. (Holden, Hills 7: Resources, Recreation and Development)

HB 572, granting regional water districts the power of eminent domain. (Scanlon, Hills 18: Resources, Recreation and Development)

HB 573, establishing a committee to study automobile disposal fees. (Babson, Carr 3: Environment and Agriculture)

HB 574-FN, requiring the reporting of burn injuries. (DeJoie, Merr 11; Clayton, Hills 10; S. L'Heureux, Merr 9; Bridle, Rock 15; P. Garrity, Hills 14; D'Allesandro, Dist 20; Burling, Dist 5: Health, Human Services and Elderly Affairs)

HB 575, establishing a committee to examine a restructuring of the state health insurance programs. (Morris, Rock 14: Commerce)

HB 576, establishing a New Hampshire advantage commission. (Mirski, Graf 10: Ways and Means)

HB 577, relative to requirements for debt collection by telephone. (Hess, Merr 9: Commerce)

HB 578, relative to construction or development constituting a change in use for purposes of assessing the land use change tax. (Hess, Merr 9: Environment and Agriculture)

HB 579, relative to motor vehicle inspections. (Gibson, Hills 19; P. McMahon, Merr 3; Buhlman, Hills 27; Gionet, Graf 3; Asselin, Rock 7; Burling, Dist 5; Gallus, Dist 1: Transportation)

HB 580, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D, and providing joint and several liability on all municipalities from a dissolved solid waste management district. (Rodeschin, Sull 2; Jillette, Sull 2; Phinizy, Sull 5; Donovan, Sull 4; Patten, Carr 4; Odell, Dist 8; Burling, Dist 5: Environment and Agriculture)

HB 581, relative to approval and review of municipal charters. (Kennedy, Merr 4: Municipal and County Government)

HB 582, relative to the policy for records management. (Kennedy, Merr 4: Executive Departments and Administration)

HB 583, establishing an oversight committee to study medical malpractice insurance rates in this state. (Wall, Straf 7; Rowe, Hills 6; Mooney, Hills 19; Morrison, Belk 2: Commerce)

HB 584, relative to evidence of admissions of liability in medical injury actions. (Wall, Straf 7; C. Hamm, Merr 4; Lasky, Hills 26; Mooney, Hills 19; Foster, Dist 13; Gottesman, Dist 12: Judiciary)

HB 585, relative to grounds for termination of parental rights. (Dokmo, Hills 6: Children and Family Law)

HB 586, relative to the periodic review of child support guidelines. (Bickford, Straf 3: Children and Family Law)

HB 587, relative to child abuse and neglect investigations by the department of health and human services. (Itse, Rock 9; Adams, Hills 2; Wendelboe, Belk 1: Children and Family Law)

HB 588, relative to suspension of drivers' licenses after a motor vehicle accident. (DiFruscia, Rock 4; Weyler, Rock 8; Holden, Hills 7; Phinizy, Sull 5; Bishop, Rock 2; Green, Dist 6: Transportation)

HB 589, establishing a committee to study gifts and political contributions. (DiFruscia, Rock 4; Weyler, Rock 8; Holden, Hills 7; Bishop, Rock 2; Green, Dist 6; Kenney, Dist 3: Election Law)

HB 590, excluding stepchildren from the definition of "child" in the context of support orders. (Bickford, Straf 3: Children and Family Law)

HB 591, relative to the calculation of health and dental insurance costs as part of the child support obligation. (Bickford, Straf 3: Children and Family Law)

HB 592, relative to the child support guidelines. (Bickford, Straf 3: Children and Family Law)

HB 593, requiring motor vehicle drivers' schools to post bonds. (J. Flanders, Rock 8: Transportation)

HB 594-FN, relative to retirement system classification for correctional line personnel. (O'Neil, Rock 15; Zolla, Rock 5: Executive Departments and Administration)

HB 595-FN, establishing the position of state meat inspector. (B. Williams, Graf 8; Babson, Carr 3; O'Connell, Hills 6: Executive Departments and Administration)

HB 596-FN, relative to the salary of the state veterinarian. (Phinizy, Sull 5; C. Hamm, Merr 4; Babson, Carr 3; Baroody, Hills 13; Rausch, Rock 5; Ferland, Sull 5; Owen, Merr 4; Burling, Dist 5: Executive Departments and Administration)

HB 597-FN-A, relative to the natural heritage inventory program. (Spang, Straf 7; Dickinson, Carr 1: Executive Departments and Administration)

HB 598-FN, establishing a full-time financial exploitation coordinator in the department of justice. (MacKay, Merr 11: Executive Departments and Administration)

HJR 2, declaring February 12 to be Thaddeus Andrzej Bonawentura Kosciuszko day. (Currier, Merr 5; Daniuk, Hills 11: Executive Departments and Administration)

HCR 5, recognizing New Hampshire's ratification of the original Thirteenth Amendment to the United States Constitution. (Marple, Merr 9: State-Federal Relations and Veterans Affairs)

HCR 6, urging Congress to enact legislation to make English the official language of the United States. (Bicknell, Rock 1; Lawrence, Hills 27; Tahir, Hills 9; Boyce, Dist 4: State-Federal Relations and Veterans Affairs)

HCR 7, urging the United States Congress to establish and revise the current drug policy. (Ingbreton, Graf 5: State-Federal Relations and Veterans Affairs)

HCR 8, urging the Congress of the United States to place a moratorium on new free trade agreements, to investigate and review current free trade agreements and policies of the United States, to investigate and review participation of the United States with international trade organizations and to ensure that such agreements, policies, and participation are in the best interests of the citizens of the state of New Hampshire and the United States. (Ingbreton, Graf 5; Buhlman, Hills 27: State-Federal Relations and Veterans Affairs)

HCR 9, commending the New Hampshire Fisher Cats on their championship. (P. Sullivan, Hills 10; Easson, Straf 3: Legislative Administration)

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire Day. (Easson, Straf 3; Albert, Straf 1; Cataldo, Straf 3; Slocum, Hills 6; Wendelboe, Belk 1; Boyce, Belk 5; Cady, Rock 1; Hansen, Hills 6; Kenney, Dist 3; Barnes, Dist 17; Letourneau, Dist 19; Boyce, Dist 4: Legislative Administration)

HR 11, urging the department of defense to establish a military presence on the New Hampshire seacoast to ensure a rapid response to any threat to domestic security. (Morris, Rock 14: State-Federal Relations and Veterans Affairs)

HR 12, proclaiming the first week of each school year as "Dictionary Week." (Easson, Straf 3: Education)

CACR 17, relating to the encouragement of literature. Providing that the importance of education to a prosperous and democratic society be considered when allocating the resources of the state. (Carter, Hills 3; S. L'Heureux, Merr 9; Alger, Graf 6; Giuda, Graf 5: Education)

CACR 18, relating to compensation for members of the general court. Providing that members of the general court shall receive \$4,000 per biennium. (Dickinson, Carr 1; Dorsett, Graf 8: Legislative Administration)

CACR 19, relating to representation in cities and towns whose population is equal to, or greater than, the minimum number of persons per house district. Providing that a city or town shall have at least one representative from the city or town if its population is equal to or greater than the apportionment figure for house districts. (Hopfgarten, Rock 5: Election Law)

CACR 20, relating to election of the attorney general. Providing that the attorney general shall be elected by the house of representatives and the senate. (DiFruscia, Rock 4; Holden, Hills 7; Phinizy, Sull 5; Splaine, Rock 16: Election Law)

CACR 21, relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor. (D. Campbell, Hills 24; Hess, Merr 9; Craig, Hills 9; D'Allesandro, Dist 20: Election Law)

RECESS

(Rep. Foster in the Chair)

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 599, 601 through 699, and 701 through 715, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 599-FN, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles. (Ferland, Sull 5; Dickinson, Carr 1; Phinizy, Sull 5; Bicknell, Rock 1; Packard, Rock 3; Letourneau, Dist 19: Transportation)

HB 601-FN, allowing businesses to apply the investment tax credit to contributions made to scholarship funding organizations. (Slocum, Hills 6; Hinkle, Hills 19; Ingbretson, Graf 5; Dorsett, Graf 8; Mooney, Hills 19: Ways and Means)

HB 602-FN-A, relative to the unbundling of communications services for purposes of the application of the communications services tax. (Major, Rock 8; Almy, Graf 11; Griffin, Rock 4: Ways and Means)

HB 603-FN-A, relative to the state's purchase of the Laconia district courthouse building and making an appropriation therefor. (Fitzgerald, Belk 4; D. Flanders, Belk 4; F. Tilton, Belk 4; Rosen, Belk 4; Veazey, Belk 4; Johnson, Dist 2; Boyce, Dist 4: Public Works and Highways)

HB 604-FN, relative to discounts in electronic toll collection and discontinuing the use of tokens. (Dodge, Rock 9; Graham, Hills 18: Public Works and Highways)

HB 605-FN, relative to the funding of the modular building standards program. (D. Flanders, Belk 4: Executive Departments and Administration)

HB 606-FN-A-L, revising the calculation and distribution of education funding and special education funding. (W.P. Campbell, Straf 3: Education)

HB 607-FN, relative to gifts to elected officials. (DiFruscia, Rock 4; Weyler, Rock 8; Holden, Hills 7; Baroody, Hills 13: Election Law)

HB 608-FN, establishing a right to trial by jury prior to a nonemergency involuntary admission. (Itse, Rock 9; Albert, Straf 1: Judiciary)

HB 609-FN, establishing the protection of liberty act. (Itse, Rock 9; Bicknell, Rock 1; Dumaine, Rock 3: Criminal Justice and Public Safety)

HB 610-FN, relative to the right to trial by jury in parental rights termination cases. (Itse, Rock 9; Albert, Straf 1; Adams, Hills 2: Children and Family Law)

HB 611-FN, relative to small group insurers. (Hunt, Ches 7; Flanders, Dist 7: Commerce)

HB 612-FN, establishing the New Hampshire volunteer elementary teachers and students program. (Field, Merr 7: Education)

HB 613-FN, exempting prepared take-out food items sold in supermarkets from the meals and rooms tax. (Field, Merr 7: Ways and Means)

HB 614-FN-A-L, providing for state funding of the statewide average education cost per pupil. (Camm, Rock 8: Education)

HB 615-FN, relative to insurance coverage for court-ordered counseling services. (Bickford, Straf 3; Gargas, Hills 5; Franklin, Sull 2: Commerce)

HB 616-FN-L, revising the calculation and distribution of adequate education grants. (King, Coos 1: Education)

HB 617-FN, allowing current court stenographers to retain their positions in the New Hampshire courts. (Emerton, Hills 7; Wall, Straf 7; Brassard, Hills 17; Martel, Dist 18; D'Allesandro, Dist 20: Judiciary)

HB 618-FN-L, relative to persons acting as volunteers to a state agency. (MacKay, Merr 11; Batula, Hills 19; Thomas, Belk 5; Emerton, Hills 7: Labor, Industrial and Rehabilitative Services)

HB 619-FN, relative to skier safety and ski area responsibility. (Dickinson, Carr 1; Chandler, Carr 1; Price, Hills 26; Whalley, Belk 5; Hunt, Ches 7; C. Brown, Carr 1; Kenney, Dist 3; Johnson, Dist 2; Odell, Dist 8; Morse, Dist 22; Gallus, Dist 1; Boyce, Dist 4; Green, Dist 6; Roberge, Dist 9; Bragdon, Dist 11; Gatsas, Dist 16; Barnes, Dist 17; Martel, Dist 18; Letourneau, Dist 19: Resources, Recreation and Development)

HB 620-FN, relative to the accountability of public officials and interference with constitutional and legal rights. (Marple, Merr 9; DiFruscia, Rock 4; Ingbretson, Graf 5; Sorg, Graf 3; L. Christiansen, Hills 27: Criminal Justice and Public Safety)

HB 621-FN, requiring disclosure of gifts and campaign contributions by lobbyists. (P. Sullivan, Hills 10: Election Law)

HB 622-FN-A, establishing an income tax. (Converse, Sull 4; Phinzy, Sull 5: Ways and Means)

HB 623-FN, relative to licensing requirements in the insurance and financial services industries. (Hunt, Ches 7; O'Neil, Rock 15: Commerce)

HB 624-FN, relative to penalties in certain health and health-related professions. (Hunt, Ches 7; O'Neil, Rock 15: Executive Departments and Administration)

HB 625-FN-L, relative to bonding limits for the Winnepesaukee river basin project. (F. Tilton, Belk 4; Charles Clark, Belk 5; Reed, Merr 2; Thomas, Belk 5; Johnson, Dist 2: Public Works and Highways)

HB 626-FN-L, relative to the right-to-know law. (Thomas, Belk 5; Cady, Rock 1; Patten, Carr 4; Barnes, Dist 17: Judiciary)

HB 627-FN, relative to raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age. (Bickford, Straf 3; B. Richardson, Ches 5; Julie Brown, Straf 1; Gile, Merr 10; Keans, Straf 1: Criminal Justice and Public Safety)

HB 628-FN, relative to the authority of law enforcement officers to close an area for the purpose of abating a threat to public health or safety. (Knowles, Straf 6; Gilbert, Rock 12; Naro, Graf 7; Winchell, Rock 6; Green, Dist 6: Criminal Justice and Public Safety)

HB 629-FN, relative to licensing requirements for certain regulated professions. (Hunt, Ches 7; O'Neil, Rock 15: Executive Departments and Administration)

HB 630-FN, relative to computer spam and cyber-security. (Morris, Rock 14: Legislative Administration)

HB 631-FN, relative to the time after which certain unclaimed property is presumed abandoned. (Marple, Merr 9: Commerce)

HB 632-FN-L, creating an environmental policy for New Hampshire. (Ryan, Merr 2; Jennifer Brown, Straf 5; C. Chase, Hills 2; Tupper, Merr 6: Environment and Agriculture)

HB 633-FN-A, relative to companies which do not provide health insurance to their employees and continually appropriating a special fund. (Weed, Ches 3; Pratt, Ches 2; Owen, Merr 4: Labor, Industrial and Rehabilitative Services)

HB 634-FN-A, establishing a state recycling program to provide technical services to municipalities and establishing a fee on disposable and recyclable goods sold at retail. (Rous, Straf 7; B. Williams, Graf 8: Environment and Agriculture)

HB 635-FN-L, relative to education funding. (Hughes, Rock 18; Dickinson, Carr 1: Education)

HB 636-FN, requiring the electronic recording of statements by persons subject to custodial interrogation. (T. Robertson, Ches 3: Criminal Justice and Public Safety)

HB 637-FN, relative to licensure of alcohol and drug abuse professionals. (Kathleen Taylor, Straf 4; Butynski, Ches 4; Estabrook, Dist 21: Executive Departments and Administration)

HB 638-FN, relative to county liability for payment of nursing home costs. (King, Coos 1; Odell, Dist 8: Finance)

HB 639-FN, relative to voter registration. (Albert, Straf 1; Cataldo, Straf 3; Maybeck, Graf 8: Election Law)

- HB 640-FN**, relative to parental rights and responsibilities. (Bickford, Straf 3; Gargas, Hills 5; Franklin, Sull 2; Gile, Merr 10; Hinkle, Hills 19; Roberge, Dist 9; Larsen, Dist 15: Children and Family Law)
- HB 641-FN**, establishing a statewide homestead exemption against property taxes for seniors. (Dickinson, Carr 1; C. Brown, Carr 1; Merrow, Carr 3; Knox, Carr 4; Dorsett, Graf 8; Johnson, Dist 2; Gallus, Dist 1: Municipal and County Government)
- HB 642-FN-L**, relative to the regulation of home inspectors. (Gale, Sull 3: Municipal and County Government)
- HB 643-FN**, establishing an integrated criminal justice information system. (Stevens, Carr 4: Criminal Justice and Public Safety)
- HB 644-FN**, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services. (Stone, Rock 1; Cloutier, Sull 4; Waterhouse, Rock 4; Clegg, Dist 14; D'Allesandro, Dist 20; Morse, Dist 22: Executive Departments and Administration)
- HB 645-FN**, relative to fire-safe cigarettes. (Weare, Rock 14: Criminal Justice and Public Safety)
- HB 646-FN-L**, proposing a definition of an adequate education. (Asselin, Rock 7; Dokmo, Hills 6; DiFruscia, Rock 4; Wells, Rock 8; Dunn, Ches 3: Education)
- HB 647-FN**, relative to restructuring the department of revenue administration. (Patten, Carr 4; Fitzgerald, Belk 4; Stohl, Coos 1; Flanders, Dist 7: Executive Departments and Administration)
- HB 648-FN**, relative to reducing frivolous medical injury actions. (Lasky, Hills 26; Franklin, Sull 2; Wall, Straf 7; Mooney, Hills 19; Pratt, Ches 2: Judiciary)
- HB 649-FN-A-L**, relative to the medical examiner's duty to investigate medicolegal cases and the fees for and costs of such investigations. (Stone, Rock 1; Morris, Rock 14; D'Allesandro, Dist 20: Finance)
- HB 650-FN-L**, revising education funding and distribution and establishing needs-based matching grants. (Carter, Hills 3: Education)
- HB 651-FN-L**, relative to federal lien registration. (Belanger, Rock 4; S. Scamman, Rock 13; Ingram, Rock 4: Municipal and County Government)
- HB 652-FN**, relative to the retirement system classification for the director of juvenile justice services, department of health and human services. (Tholl, Coos 2: Executive Departments and Administration)
- HB 653-FN-L**, relative to bonds for construction, development, improvement, and acquisition of broadband facilities. (Maxfield, Merr 6; Osborne, Merr 12; Gallus, Dist 1: Municipal and County Government)
- HB 654-FN-L**, prohibiting the sale or resale of goods or services produced using inmate labor. (Ingbretson, Graf 5; Giuda, Graf 5: Criminal Justice and Public Safety)
- HB 655-FN-A**, increasing the boat registration fee for public boat access and exotic aquatic weed control. (R. Cooney, Rock 4: Resources, Recreation and Development)
- HB 656-FN**, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders. (Sokol, Graf 9; Hammond, Graf 11; MacKay, Merr 11; Millham, Belk 5; Hager, Merr 12; Odell, Dist 8; Foster, Dist 13; Estabrook, Dist 21: Judiciary)
- HB 657-FN-L**, relative to promoting community revitalization. (Spang, Straf 7; Theberge, Coos 4; Stohl, Coos 1; Schmidt, Straf 4; Odell, Dist 8; Larsen, Dist 15; Fuller Clark, Dist 24: Municipal and County Government)
- HB 658-FN-A**, requiring the department of transportation to make certain improvements to New Hampshire Route 3 in the town of Tilton and making an appropriation therefor. (Morrison, Belk 2: Public Works and Highways)
- HB 659-FN-A**, establishing a state recycling program to provide technical services to municipalities and establishing a fee on take-out food and beverages. (French, Merr 5; Owen, Merr 4; Rous, Straf 7; B. Williams, Graf 8: Environment and Agriculture)
- HB 660-FN-L**, relative to taxation in a cooperative school district. (Essex, Hills 1; Asselin, Rock 7; Phinizy, Sull 5: Municipal and County Government)
- HB 661-FN**, relative to radiological monitoring in nuclear emergency planning zones. (Powers, Rock 16; Serlin, Rock 16; Morris, Rock 14; Stiles, Rock 15; French, Merr 5; Fuller Clark, Dist 24; Larsen, Dist 15: Science, Technology and Energy)
- HB 662-FN-A**, making an appropriation to the department of health and human services for family mutual support services. (Bleyler, Graf 9; Miller, Straf 7; MacKay, Merr 11; Pilliod, Belk 5; Burling, Dist 5; Odell, Dist 8; Larsen, Dist 15; Green, Dist 6; Estabrook, Dist 21: Children and Family Law)

HB 663-FN, establishing a New Hampshire municipal recycling authority and establishing a commission to study the tax exemption for water and air pollution control facilities. (Patten, Carr 4; Barnes, Dist 17; Johnson, Dist 2: Environment and Agriculture)

HB 664-FN-L, mandating open enrollment in all school districts. (W. P. Campbell, Straf 3: Education)

HB 665-FN-L, relative to the applicable minimum wage for hourly employees. (Keans, Straf 1; Michon, Hills 25; Norelli, Rock 16; Ryan, Merr 2; M. Smith, Straf 7; Larsen, Dist 15; Green, Dist 6: Labor, Industrial and Rehabilitative Services)

HB 666-FN-L, prohibiting taxation of a village district by a municipality for certain municipal services. (Hopfgarten, Rock 5: Municipal and County Government)

HB 667-FN, relative to reckless conduct. (Dumaine, Rock 3; Hagan, Hills 17: Criminal Justice and Public Safety)

HB 668-FN, relative to appeals of decisions by boards, commissions, and agencies regulating professional occupations. (O'Neil, Rock 15; R. Wheeler, Hills 7; Clegg, Dist 14; Foster, Dist 13: Executive Departments and Administration)

HB 669-FN, setting the laboratory fee schedule for certain environmental samples. (Gargas, Hills 5; Ryder, Hills 5: Executive Departments and Administration)

HB 670-FN-A, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program. (Spang, Straf 7; Hager, Merr 12; Jasper, Hills 27; Cilley, Straf 3; Kurk, Hills 7; Odell, Dist 8; Johnson, Dist 2; Fuller Clark, Dist 24; Larsen, Dist 15: Municipal and County Government)

HB 671-FN-A-L, relative to an exemption from the real estate transfer tax. (Currier, Merr 5; Odell, Dist 8: Ways and Means)

HB 672-FN, relative to notaries public and adopting the Uniform Law on Notarial Acts. (Dokmo, Hills 6: Judiciary)

HB 673-FN, making it a felony to knowingly transmit the human immunodeficiency virus or hepatitis to another person. (Slocum, Hills 6: Criminal Justice and Public Safety)

HB 674-FN-A, establishing fees for construction plan reviews by the state fire marshal and establishing the position of fire protection engineer in the division of fire safety. (Stevens, Carr 4; Tholl, Coos 2; Winchell, Rock 6: Executive Departments and Administration)

HB 675-FN, exempting agricultural tower silos from the education property tax. (Babson, Carr 3: Ways and Means)

HB 676-FN, exempting agricultural buildings from the education property tax. (Owen, Merr 4: Ways and Means)

HB 677-FN, establishing fees and reporting requirements for the storage of hazardous materials. (S. L'Heureux, Merr 9; Palangas, Hills 12: Environment and Agriculture)

HB 678-FN, relative to the insurance premium tax. (Camm, Rock 8; Hunt, Ches 7; Roberge, Dist 9; Flanders, Dist 7: Commerce)

HB 679-FN-L, authorizing the electronic enforcement of traffic signal violations. (Bouchard, Merr 11; Packard, Rock 3; Graham, Hills 18; R. L'Heureux, Hills 19; Ferland, Sull 5; Larsen, Dist 15; D'Allesandro, Dist 20; Roberge, Dist 9: Transportation)

HB 680-FN, relative to witness tampering. (Dumaine, Rock 3; Hagan, Hills 17; Cady, Rock 1; Itse, Rock 9: Judiciary)

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities. (L. Elliott, Hills 1; Patten, Carr 4; Wall, Straf 7; Larsen, Dist 15: Health, Human Services and Elderly Affairs)

HB 682-FN, requiring an informational statement regarding the powers of district courts. (Marple, Merr 9; L. Christiansen, Hills 27: Judiciary)

HB 683-FN, relative to reporting of motor vehicle offenses by driver education instructors and drivers' school licensees. (R. L'Heureux, Hills 19; Gorman, Hills 23; Tholl, Coos 2; Flanders, Dist 7; Roberge, Dist 9; Johnson, Dist 2: Transportation)

HB 684-FN-L, relative to education funding and the distribution of targeted aid and transition education grants. (Gionet, Graf 3; Patten, Carr 4; Langley, Rock 18; Foose, Merr 1; Maybeck, Graf 8; Fuller Clark, Dist 24; Kenney, Dist 3; Gallus, Dist 1; Johnson, Dist 2: Education)

HB 685-FN-A, permitting casino gambling. (Gionet, Graf 3; Ingram, Rock 4; Asselin, Rock 7; Gibson, Hills 19; Goyette, Hills 27; Gallus, Dist 1: Executive Departments and Administration)

HB 686-FN, relative to the judicial branch family division. (Hager, Merr 12; Pratt, Ches 2; Weyler, Rock 8: Judiciary)

- HB 687-FN**, relative to tuition waivers for children and spouses of members of the armed forces who die while on active duty. (Shurtleff, Merr 10; Gile, Merr 10: Education)
- HB 688-FN**, relative to the regulation of mental health practitioners and the procedures of the board of mental health. (Franklin, Sull 2; Odell, Dist 8: Executive Departments and Administration)
- HB 689-FN**, relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases. (Rogers Johnson, Rock 13; Carson, Rock 3: Commerce)
- HB 690-FN**, relative to medical services for children and pregnant women. (Marshall Quandt, Rock 13: Health, Human Services and Elderly Affairs)
- HB 691-FN-L**, relative to the medicaid program. (Kirk, Hills 7: Health, Human Services and Elderly Affairs)
- HB 692-FN-L**, relative to the county department of corrections. (Nedeau, Belk 3; Whalley, Belk 5; Fitzgerald, Belk 4; Thomas, Belk 5; Johnson, Dist 2: Criminal Justice and Public Safety)
- HB 693-FN**, making the low and moderate income homeowners property tax relief program a tax cap and applicable to current year tax liability. (Solomon, Graf 10: Ways and Means)
- HB 694-FN**, relative to interference with service of process. (Ulery, Hills 27: Judiciary)
- HB 695-FN**, requiring the university system of New Hampshire to make payments in lieu of taxes for purchased property. (M. Cooney, Graf 7; Naro, Graf 7; Dorsett, Graf 8: Education)
- HB 696-FN**, relative to enhanced penalties for crimes against the elderly and persons with disabilities. (MacKay, Merr 11; Morris, Rock 14: Criminal Justice and Public Safety)
- HB 697-FN**, establishing a commission to study medicaid reimbursement rates for pharmacy providers and exempting pharmacy providers from certain requirements of the department of health and human services relative to reimbursement rates. (Wendelboe, Belk 1; Baroody, Hills 13; Martel, Dist 18: Health, Human Services and Elderly Affairs)
- HB 698-FN**, relative to penalty assessments. (Welch, Rock 8; Stevens, Carr 4; Knowles, Straf 6; Gilbert, Rock 12: Judiciary)
- HB 699-FN-A-L**, relative to fines for parking violations. (Kennedy, Merr 4: Municipal and County Government)
- HB 701-FN**, establishing a citizen complaint review commission. (Marple, Merr 9: Executive Departments and Administration)
- HB 702-FN**, relative to the screening of medical malpractice claims. (Wall, Straf 7; Lasky, Hills 26; Pratt, Ches 2; Mooney, Hills 19: Judiciary)
- HB 703-FN**, relative to advertisement of prescription drugs and establishing the pharmaceutical marketing disclosure law. (DeJoie, Merr 11; Dexter, Ches 6; Pilliod, Belk 5; Matthew Quandt, Rock 13; Letourneau, Dist 19; D'Allesandro, Dist 20; Larsen, Dist 15: Commerce)
- HB 704-FN**, establishing the New Hampshire Rx advantage program and continually appropriating a special fund. (DeJoie, Merr 11; N. Allan, Hills 26; Bergin, Hills 6; Marshall Quandt, Rock 13; Larsen, Dist 15; Hassan, Dist 23; D'Allesandro, Dist 20: Health, Human Services and Elderly Affairs)
- HB 705**, relative to passenger restraints. (Pilliod, Belk 5; Emerson, Ches 7; Osborne, Merr 12; Gottesman, Dist 12; Roberge, Dist 9: Transportation)
- HB 706-FN**, relative to the cost of storage of firearms which are voluntarily surrendered to local law enforcement agencies. (Ferland, Sull 5; Welch, Rock 8: Criminal Justice and Public Safety)
- HB 707-FN-A**, establishing a credit against the business enterprise tax for certain borrowed and invested money. (Itse, Rock 9; Buhlman, Hills 27; Clegg, Dist 14: Ways and Means)
- HB 708-FN**, establishing a new state defined contribution retirement plan for new state employees and establishing a committee to study the transition of current employees into the new plan and administration of the new plan. (Wendelboe, Belk 1: Executive Departments and Administration)
- HB 709-FN-L**, relative to records of assessment information available for inspection. (Cady, Rock 1; Hagan, Hills 17; Bicknell, Rock 1; Newton, Straf 1; Roberge, Dist 9: Municipal and County Government)
- HB 710-FN**, establishing property appraisals for the taxation of property based upon its current use as a residence for persons over 65. (Weed, Ches 3; Pratt, Ches 2: Municipal and County Government)
- HB 711-FN-A-L**, making an appropriation for kindergarten in the town of Merrimack. (D. L. Christensen, Hills 19; Mooney, Hills 19; Hinkle, Hills 19; Batula, Hills 19; Brundige, Hills 19; Roberge, Dist 9; D'Allesandro, Dist 20: Finance)
- HB 712-FN**, relative to electioneering. (Cady, Rock 1; Albert, Straf 1; Newton, Straf 1: Election Law)

HB 713-FN, relative to a process for the request and disclosure of social security numbers. (Patten, Carr 4; Kurk, Hills 7: Judiciary)

HB 714-FN, adopting the Uniform Partnership Act (1997). (Lasky, Hills 26: Commerce)

HB 715-FN-A, relative to the regulation of bingo and lucky 7. (Hess, Merr 9; Kurk, Hills 7; Hager, Merr 12; Almy, Graf 11; Pratt, Ches 2; Foster, Dist 13: Executive Departments and Administration)

RECESS

(Speaker Scamman in the Chair)

COMMITTEE ASSIGNMENTS

The Speaker made the following assignments:

Rep. John B. Hunt on Judiciary

Rep. Paul C. Smith on Public Works and Highways

RECESS

(Rep. Daniel Eaton in the Chair)

RESOLUTION

Rep. Gile offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 716, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 716-FN, relative to securities regulation. (S. Francoeur, Rock 15; Flanders, Dist 7: Commerce)

RECESS

(Speaker Scamman in the Chair)

The Speaker called the recessed session of January 26, 2005 to order at 1:00 p.m. and declared a quorum present.

RECONSIDERATION

Having voted with the prevailing side, Rep. Russell Albert moved that the House reconsider its action whereby it adopted an amendment to House Rules by voice vote and defeated floor amendment (0053h) on a roll call vote of 161 -162.

Reps. Albert, Giuda and Hall spoke in favor.

Reps. Price and Chandler spoke against.

Rep. O'Neil requested a roll call; sufficiently seconded.

The question being adoption of the motion to reconsider.

YEAS 150 NAYS 219

YEAS 150

BELKNAP

Boyce, Laurie

Morrison, Gail

Rosen, Ralph

Wendelboe, Fran

CARROLL

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter

Butynski, William

Dunn, J Timothy

Eaton, Daniel

Espiefs, Peter

Mitchell, Bonnie

Plifka Jr, Stanley

Roberts, Kris

Robertson, Timothy

Sinclair, Stephanie

Weed, Charles

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
Eaton, Stephanie
Ingbreton, Paul
Mulholland, Catherine

Andersen, Gene
Giuda, Robert
Maybeck, Margie
Nordgren, Sharon

Benn, Bernard
Hammond, Lee
McLeod, Martha
Sokol, Hilda

Cooney, Mary
Harding, A Laurie
Mirski, Paul
Solomon, Peter

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Campbell, David
Cote, David
Essex, David
Ginsburg, Ruth
Hagan, Barbara
Hinkle, Peyton
Lefebvre, Roland
Michon, Stephen
Rowe, Robert
Shaw, Kimberly
Tahir, Saghir

Balboni, Michael
Brassard, Paul
Chase, Claudia
Craig, James
Foster, Linda
Goley, Jeffrey
Haley, Robert
Holden, Randolph
Martin, Mary Ellen
Pappas, Christopher
Scanlon, Michael
Slocum, Lee
Vaillancourt, Steve

Baroody, Benjamin
Buhlman, David
Christiansen, Lars
Daniuk, Caitlin
Garrity, Patrick
Gorman, Mary
Hall, Betty
Kopka, Angeline
Matarazzo, Anthony Sr
Rochette, Eric
Schulze, Joan
Smith, David
Velez, Hector

Beaulieu, Jane
Calawa, Leon Jr
Clemons, Jane
Egbers, Fran
Gibson, John
Goyette, Peter Jr
Harvey, Suzanne
Lasky, Bette
Messier, Irene
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen
Wheeler, James

MERRIMACK

DeStefano, Stephen
Gile, Mary
Owen, Derek
Tupper, Frank

Field, William
Marple, Richard
Ryan, Jim
Wallner, Mary Jane

Foose, Robert
McMahon, Patricia
Shurtleff, Stephen
Walz, Mary Beth

French, Barbara
Osborne, Jessie
Tilton, Joy
Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn
Dumaine, Dudley
Norelli, Terie
Weldy, Norman

Cady, Harriet
Flockhart, Eileen
Powers, James

Cali-Pitts, Jacqueline
Hughes, Daniel
Serlin, Christopher

DiFruscia, Anthony
Itse, Daniel
Splaine, James

STRAFFORD

Albert, Russell
Chaplin, Duncan
Goodwin, Earle
Johnson, Nancy
Rollo, Michael
Snyder, Clair
Wall, Janet

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Kaen, Naida
Rous, Emma
Spang, Judith

Brown, Julie
Creteau, Irene
Heon, Richard
Keans, Sandra
Schmidt, Peter
Taylor, Katherine

Campbell, W Packy
Dunlap, Patricia
Hofemann, Roland
Newton, Clifford
Smith, Marjorie
Taylor, Kathleen

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Jillette, Arthur Jr

Ferland, Brenda
Phinizz, James

Franklin, Peter
Prichard, Stephen

NAYS 219**BELKNAP**

Allen, Janet
Heald, Bruce
Russell, David
Veazey, John

Clark, Charles
Millham, Alida
Thomas, John
Whalley, Michael

Fitzgerald, James
Nedeau, Stephen
Tilton, Franklin

Flanders, Donald
Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
Chandler, Gene
McConkey, Mark

Babson, David Jr
Dickinson, Howard
Merrow, Harry

Brown, Carolyn
Knox, J David
Patten, Betsey

Buco, Thomas
Martin, James
Stevens, Stanley

CHESHIRE

Butcher, Suzanne
Hogancamp, Deborah
Pratt, John

Chase, William
Hunt, John
Richardson, Barbara

Dexter, Judson
Parkhurst, Henry
Sawyer, Sheldon

Emerson, Susan
Pelkey, Stephen
Tilton, Anna

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

GRAFTON

Alger, John
Gionet, Edmond
Ward, John

Barker, Robert
Ham, Bonnie
Williams, Burton

Bleyler, Ruth
Naro, Debra

Dorsett, Andrew
Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Batula, Peter
Brundige, Robert
Chabot, Robert
Crane, Elenore Casey
Dyer, Donald
Francoeur, Bea
Graham, John
Hellwig, Steve
Jasper, Shawn
Manney, Pamela
Moran, Edward
Ober, Lynne
Reeves, Sandra
Stepanek, Stephen
Wheeler, Robert

Allan, Nelson
Bergin, Peter
Carew, James
Christensen, D L Chris
Desmarais, Vivian
Elliott, Larry
Gargas, Carolyn
Hansen, Ryan
Hirschmann, Keith
Jean, Claudette
McRae, Karen
Movsesian, Lori
Pepino, Leo
Renzullo, Andrew
Sullivan, Francis

Baines, Stephen
Biundo, Michael
Carlson, Donald
Clark, Mark
Dokmo, Cynthia
Elliott, Nancy
Golding, William
Hawkins, Ken
Hunter, Bruce
Kelly, Eugene Jr
Mead, Robert
O'Brien, William
Pilotte, Maurice
Ross, Lawrence
Ulery, Jordan

Barry, J Gail
Boehm, Ralph
Carter, Mark
Coughlin, Pamela
Drisko, Richard
Emerton, Larry
Gonzalez, Carlos
Hebert, Raymond
Infantine, William
L'Heureux, Robert
Mooney, Maureen
O'Connell, Timothy
Price, Pamela
Ryder, Donald
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Clarke, Claire
Hager, Elizabeth
Klose, John
MacKay, James
Reardon, Tara
Williams, Robert

Blanchard, Elizabeth
Currier, David
Hamm, Christine
L'Heureux, Stephen
Maxfield, Roy
Rush, Deanna

Bouchard, Candace
Danforth, James
Hess, David
Langlais, Thomas
Oliver, James
Soltani, Tony

Brueggemann, Donald
Greco, Vincent
Kidder, David
Lockwood, Priscilla
Potter, Frances
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Camm, Kevin
Coburn, James
Donahue, Richard Ken
Flanders, John Sr
Gilbert, Karl
Headd, James
Johnson, Robert
Kobel, Rudolph
Manning, John
Moore, Benjamin
Packard, Sherman
Rausch, James
Scamman, Stella
Waterhouse, Kevin
Weyler, Kenneth

Allen, Mary
Bishop, Franklin
Carson, Sharon
Cooney, Richard
Dowd, John
Forsing, Robert
Gillick, Thomas
Hopfgarten, Paul
Johnson, Rogers
Langley, Jane
Mason, April
Morris, Richard
Putnam, Ed II
Robertson, Carl
Smith, Paul
Weare, E Albert
Wiley, Robert

Asselin, Michael
Bridle, Russell
Casey, Kimberley
Dalrymple, Janeen
Doyle, Christopher
Francoeur, Sheila
Gould, Kenneth
Ingram, Russell
Katsakiores, George
Lund, Howie
McKinney, Betsy
Nowe, Ronald
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Welch, David
Winchell, George

Belanger, Ronald
Buxton, Donald
Charron, Gene
Dodge, Robert
Fesh, Bob
Garrity, James
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
O'Neil, Michael
Quandt, Matthew
Sanders, Elisabeth
Stone, Joseph
Wells, Roger
Zolla, William

STRAFFORD

Berube, Roger
Miller, Joseph

Cataldo, Sam
Twombly, James

Easson, Timothy

Knowles, William

SULLIVAN

Donovan, Thomas

Gale, Harry

Irish, Christopher

Rodeschin, Beverly

and reconsideration failed.

Rep. O'Neil moved that the House adjourn from the session of January 26, 2005.

Adopted.

HOUSE JOURNAL No. 5

Wednesday, February 9, 2005

The Speaker called the February 9, 2005 session to order at 1:30 p.m.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, The Reverend David Keller, of the First Congregational Church in Concord.

Holy One, You who are far beyond whatever we might make You out to be, we thank You that You are with us. Not only now, as we gather to serve the people of this state, but through all the goings and comings of our separate lives. We acknowledge that, behind the willingness of these men and women to do the work of this legislature, Your generous and sustaining Spirit has been working, and we thank You for shaping their spirits for service to others. We pray Your blessing and Your guidance on our work today and every day. We pray Your special favor on any in the assembly facing any trouble that saps their spirits and burdens their hearts. Take that pain and worry, merciful God, and replace it with Your healing touch, Your forgiving grace, Your deep peace. We pray also for those whose lives are affected by the decisions made in this assembly, especially for the most vulnerable – those who are poor, or addicted, or aged, or young, or imprisoned. Cultivate among the people gathered in this hall today open and attentive hearts that seek both to understand the real and complex needs of people and to listen carefully to the counsel of their colleagues in this assembly. Let Your light, which reveals righteousness and exposes injustice, shine upon the efforts of those who serve here, not only on the legislation they produce, but also on the way that they work with each other and with others who serve in government. And as we do our work, continually remind us that You are sovereign over all people, over all governments, over all of creation, so that in all things we gratefully acknowledge Your rule and humbly seek to act in concert with Your will. Amen.

Rep. Saghir A. Tahir led the Pledge of Allegiance.

The National Anthem was sung by Allison Wilson, a sixth grade student at Exeter Cooperative Middle School.

LEAVES OF ABSENCE

Reps. Callaghan, Clayton, Peter Cote, DeVries, Foote, Palangas, Philbrick and Reed, the day, illness. Reps. DeJoie, Domingo, Dowling, Hollinger, Irwin, Paula Johnson, Lawrence, Moody, Palazzo and Pantelakos, the day, important business.

Reps. Bicknell and Hutchinson, the day, illness in the family.

INTRODUCTION OF GUESTS

Michael and Lisa Wilson, William Childs, parents and grandfather of the singer, guests of the House. Claudia Nixon and Talia Glesner, guests of Rep. Gile. Roxanne O'Brien, wife of Rep. O'Brien. Grace Kane and Dana Lindsay, guests of the Lebanon delegation. Casey Bessette, guest of Reps. Pilliod and Emerson.

INTRODUCTION OF SPECIAL GUEST

Coach of Concord High School's boys tennis team, Harvey Smith, accompanied by his wife, Betty, whose distinguished 30 year career included 1988 National Federation High School Coach of the Year, 16 times chosen NH Coach of the Year, 14 state tennis championships and a 112-match unbeaten streak since 1998, guest of the House.

INTRODUCTION OF ADDITIONAL SPECIAL GUESTS

2004 University of New Hampshire "Wildcats" football team reached NCAA Division I-AA play-offs and tied University record for most wins in a season, represented by players David Bailey, David Ball, Tim Beckett, Tim Carignan, Shaun Diner, Corey Dix, Joe Kreider, Christian Leibl-Cote, Dan McClean, Amir Saadich, Ricky Santos, Derek Stank, Adam Triscila, John Williams, David Wyman, Captains Mike Granieri and George Peterson, Offensive Coordinator Chip Kelly and Head Coach Sean McDonnell, guests of the House.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 23, 28, 39, 41, 44, 45, 53, 54, 59 and 73 and Senate Joint Resolution numbered 1 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS and SJR

First, second reading and referral

SB 23, relative to membership on the public water access advisory board. (Resources, Recreation and Development)

SB 28, relative to confidentiality and workers' compensation. (Labor, Industrial and Rehabilitative Services)

SB 39, relative to disinterment of dead bodies. (Health, Human Services and Elderly Affairs)

SB 41, relative to penalties for certain OHRV violations. (Fish and Game)

SB 44, establishing a study committee on student credit card debt and regulation of credit card solicitation on college campuses. (Commerce)

SB 45-L, relative to the Hanover school district tax stabilization fund. (Education)

SB 53-FN, relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operations officer to chief financial officer in the department of environmental services. (Executive Departments and Administration)

SB 54, clarifying the role of a guardian ad litem in guardianship proceedings. (Children and Family Law)

SB 59, relative to the general powers and duties of guardianship. (Judiciary)

SB 73, relative to market conduct record retention and production. (Commerce)

SJR 1, declaring the month of April 2005 to be Boston Red Sox Month. (Legislative Administration)

MOTIONS TO VACATE

Rep. Hunt moved that the House vacate the reference of the following House Bills to the Committee on Legislative Administration.

HB 270, relative to procedures of the legislative ethics committee.

HB 289-FN, relative to registration fees for lobbying and lobbyists and requiring registration of employers of lobbyists.

HB 309-FN-A, establishing a commission to recodify laws relating to financial contributions and disclosures and conflicts of interest and making an appropriation therefor.

HB 403, limiting permissible gifts to elected officials.

HB 424-FN, prohibiting gifts to elected officials.

Motion adopted.

The Speaker referred **HB 270, 289, 309, 403** and **424** to the Committee on Election Law.

Rep. Robert L'Heureux moved that the House vacate the reference of **HB 491**, relative to the inherent dangers of OHRV operation and limiting landowner liability for certain fish and game related land uses, to the Committee on Fish and Game.

Motion adopted.

The Speaker referred **HB 491** to the Committee on Resources, Recreation and Development.

Rep. Batula moved that the House vacate the reference of **HB 473**, relative to the creation of screening panels for medical injury claims, **HB 489-FN**, relative to disclosing an ownership interest in certain health care facilities and businesses, and **HB 566**, relative to eligibility for public benefits and drivers' licenses, to the Committee on Health, Human Services and Elderly Affairs.

Motion adopted.

The Speaker referred **HB 473** to the Committee on Judiciary, **HB 489-FN** to the Committee on Criminal Justice and Public Safety, and **HB 566** to the Committee on Transportation.

Rep. Dokmo moved that the House vacate the reference of **HB 294**, relative to criminal records and evidence, and **HB 405**, to discovery depositions in criminal cases of persons under 16 years of age, to the Committee on Judiciary.

Motion adopted.

The Speaker referred **HB 294** to the Committee on Criminal Justice and Public Safety, and **HB 405** to the Committee on Children and Family Law.

Rep. Dickinson moved that the House vacate the reference of **HB 572**, granting regional water districts the power of eminent domain, and **HB 619-FN**, relative to skier safety and ski area responsibility, to the Committee on Resources, Recreation and Development.

Motion adopted.

The Speaker referred **HB 572** to the Committee on Municipal and County Government, and **HB 619-FN** to the Committee on Judiciary.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 35, relative to bank reserve and lending procedures, removed by Rep. Marple.

HB 67, prohibiting excessive overpricing of essential commodities during a declared state of emergency, removed by Rep. Osborne.

HB 154, relative to changes of party registration on primary day, removed by Rep. Graham.

HB 142, establishing a commission to study changing the local property tax abatement procedures, removed by Rep. Cady.

HB 165, relative to cellular telephone use during motor vehicle operation, removed by Rep. Scanlon. Consent Calendar adopted.

HB 63, establishing a committee to study the feasibility of requiring that liquor brought into the state of New Hampshire be brought in through the port of Portsmouth. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Clark for Commerce: The intent of this bill was to establish a study committee to explore the feasibility of requiring that liquor brought into the state of New Hampshire be brought in through the Port of Portsmouth. The committee found that, although the idea is well intended, it would be counter productive as the liquor commission's present distribution is much more effective and financially viable than the alternative proposed to be studied. Vote 21-0.

HB 143, relative to real estate appraisals. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: This bill requires a real estate appraiser to provide a certified copy of the appraisal to the mortgage applicant as well as the lending institution, whereas current law permits the applicant to make a written request to the lender and receive a copy of the appraisal from them. The committee felt that the present plan was working efficiently and did not need to be changed. The lender has the necessary information in its files to provide a copy promptly, whereas the appraiser frequently does not know who the borrower is or how to contact him. Vote 21-0.

CACR 6, relating to state representative and state senate districts. Providing that there shall be 36 senate districts and 4 house districts within each senate district. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to restructure the General Court to increase the senate districts to 36, each to contain four house districts. Each four districts will have a single representative. The four districts will have equalized populations that will not deviate more than 5% of each other. The General Court would be constitutionally reduced from 424 to 180. Further the bill repeals current constitutional provisions for redistricting and promotes increased compensation for the legislators. The committee felt that the redistricting controversy could eventually be resolved in a constitutional convention. The changes offered in CACR 6 would not satisfactorily solve the need for an increase in the senate. The committee was in favor of retaining the "citizen legislature" of 400 members assuring more districts and smaller districts for strong constituent contact. In addition, a reduction in size would tend towards a "professional legislature" at greatly increased cost to the state and to candidates' campaign costs while weakening constituent contact. Vote 14-4.

HB 95, relative to delegates to state party conventions. **OUGHT TO PASS**

Rep. Michael G. Biundo for Election Law: The intent of this bill is to cultivate more grassroots participation in state party conventions. Often a person will run for both an elected office as well as a delegate to the state party convention. The possibility exists that a person will win both seats, therefore, qualifying twice to serve as a delegate to a state party convention. This bill will simply

allow the next highest eligible vote getter running for delegate to take the spot of a party nominee who is already entitled to serve due to being nominated to an office. The committee voted unanimously "ought to pass" because it feels this will open up and encourage more people to get involved in the political process. Vote 18-0.

HB 171, relative to nicknames on ballots. OUGHT TO PASS WITH AMENDMENT

Rep. William L. O'Brien for Election Law: This bill amends RSA 655:14-b in order to clarify what nicknames are allowed on the ballot and the process for obtaining approval of contested nicknames. The original bill would allow any nicknames that a candidate can show by three affidavits he or she has been known by for five years in the community. Based on review by a subcommittee, the bill was amended to limit nicknames to one word, unless it is a common derivative of a candidate's name, and to prohibit offensive or profane nicknames, as well as those that imply the candidate is someone else, constitute a slogan or associate a candidate with a cause or issue. The amendment also requires that the demonstration of the use of the nickname for five years in the community has to be by clear and convincing evidence, which may include three affidavits. Vote 15-1.

Amendment (0096h)

Amend the bill by replacing section 1 with the following:

I Form of Candidate's Name on Ballot; Nicknames. Amend RSA 655:14-b, I-II to read as follows:

I. Every candidate for state or federal office who intends to have his *or her* name printed upon the ballot of any party for a primary shall designate in *[his] the* declaration of candidacy, or on *[his] the* primary petitions and assents to candidacy, the form in which *[his] the candidate's* name shall be printed on the ballot. The candidate may designate his *or her* given, first, and middle name, the initials of his *or her* given, first, and middle name, a nickname, or any combination thereof as the form in which *[his] the candidate's* name shall be printed on the ballot, but *[he] the candidate* shall not designate a deceptive name. If the candidate designates a nickname in place of or in combination with *[his] the candidate's* given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his *or her* surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate's given name, *or, if the nickname is not customarily related to the candidate's given name, the candidate shall submit clear and convincing evidence that the candidate has been known by the nickname for at least the 5 years immediately preceding the time of filing. If deemed sufficient by the appropriate official, 3 affidavits from voters in the district who are not related to the candidate stating that the candidate has been known by the nickname for at least 5 years may constitute clear and convincing evidence. Nicknames shall be limited to one word, except for 2-word nicknames customarily related to the candidate's given name. No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, or that has an offensive or profane meaning.* A candidate shall include his *or her* surname in *[his] the* designation of the form in which *[his] the candidate's* name shall be printed on the ballot.

II. Every candidate for state or federal office who intends to have his *or her* name placed on the ballot for the state general election by means other than nomination by party primary shall designate in *[his] the* declaration of intent the form in which *[his] the candidate's* name shall be printed on the ballot. The candidate may designate his *or her* given, first, and middle name, the initials of his *or her* given, first, and middle name, a nickname, or any combination thereof as the form in which *[his] the candidate's* name shall be printed on the ballot, but *[he] the candidate* shall not designate a deceptive name. If the candidate designates a nickname in place of or in combination with *[his] the candidate's* given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his *or her* surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate's given name, *or, if the nickname is not customarily related to the candidate's given name, the candidate shall submit clear and convincing evidence that the candidate has been known by the nickname for at least the 5 years immediately preceding the time of filing. If deemed sufficient by the appropriate official, 3 affidavits from voters in the district who are not related to the candidate stating that the candidate has been known by the nickname for at least 5 years may constitute clear and convincing evidence. Nicknames shall be limited to one word, except for 2-word nicknames customarily related to the candidate's given name. No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or oth-*

erwise associates the candidate with a cause or issue, or that has an offensive or profane meaning. A candidate shall include his *or her* surname in ~~his~~ *the* designation of the form in which ~~his~~ *the candidate's* name shall be printed on the ballot.

AMENDED ANALYSIS

This bill establishes limitations on nicknames that may be used by candidates for state or federal office and permits a candidate to use a nickname that is not customarily related to his or her given name if the candidate has been known by that nickname for at least 5 years.

HB 201, establishing a study committee to consider amending voter identification and public assistance requirements as a means of discouraging illegal voting and illegal access to public assistance. **INEXPEDIENT TO LEGISLATE**

Rep. Charles F. Weed for Election Law: This bill would establish a committee to study the potential for amending voter identification and public assistance requirements to discourage illegal voting and access to public assistance associated with immigration. Having heard that the requested study committee would include several complex issues associated with immigration, public assistance, and voter identification, the committee believes that these subjects may need to be separated. Some of the issues relate to granted privileges and others to fundamental rights. At present, the committee is not convinced that the issues to be studied present a public policy problem for New Hampshire. Vote 18-0.

HB 33, establishing retainage procedures for public contracts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nelson S. Allan for Executive Departments and Administration: The amendment of the bill directs the commissioner of administrative services to study retainage practices relative to state construction and highway contracts. The study, conducted with the commissioner of the department of transportation and director of public works, reviews the rules governing retainage practices culminating in a written report containing findings and observations of eight specific issues. The study report will contain recommended guidelines, rules or legislation for subcontractors' retainage practices in the state. Vote 19-0.

Amendment (0088h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the study of state retainage practices.

Amend the bill by replacing all after the enacting clause with the following:

1 Study of State Retainage Practices by Department of Administrative Services.

I. The commissioner of administrative services, shall study, in consultation with the commissioner of the department of transportation and the director of public works, retainage practices relative to state construction and highway contracts. The study shall include a review of rules governing retainage practices and the extent to which the following issues are addressed by rule or other agency procedures:

(a) Retainage by state agencies from payment to contractors and retainage by contractors to subcontractors.

(b) Retainage from periodic payments and final payments including a maximum allowable amount of retainage.

(c) A time certain for an owner's release of retainage based upon the owner's occupancy, substantial completion of work, or the owner's use of the improvements.

(d) A time certain for the contractor's release of retainage to a subcontractor.

(e) Conditions permitting withholding of retention beyond the date of release and limitations on the amount of retainage for a condition permitting withholding.

(f) Conditions permitting interest on wrongfully withheld retainage.

(g) Reimbursement of attorney fees incurred to recover wrongfully withheld retainage.

(h) The line item release of retainage for specified work that has been completed and approved by the owner.

II. On or before September 1, 2005, the commissioner of administrative services shall submit a written report of findings and recommendations relative to retainage practices, including any recommendations for subcontractor guidelines, rules, or legislation, to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill directs the commissioner of administrative services, in consultation with the commissioner of department of transportation and director of public works, to study retainage practices on state construction and highway contracts.

HB 42, establishing a statutory joint committee to review and propose changes to state unclassified officers' salaries. **OUGHT TO PASS**

Rep. Judson K. Dexter for Executive Departments and Administration: The purpose of this legislation is to establish a statutory committee which will have the responsibility of reviewing and recommending to the legislature the approval of the appropriate salary grade for unclassified state employee positions. The bill contains language explaining the process for setting the salary grade for any new unclassified position as well as for the upgrade or downgrade of existing unclassified positions. The acting director or administrative head of any agency or department shall submit a recommendation to the commissioner of administrative services. The commissioner shall submit the recommendation to an outside consultant retained for the purpose of assessing the appropriate letter grade of unclassified state officers. The consultant shall assess the recommendation and report to the joint committee on compensation of state officers. The committee shall set a temporary letter grade allocation for each position referred. The committee shall subsequently propose to the general court legislation recommending permanent salary levels. This is the second time this bill has come to this committee. The bill passed 16-0 last year on the consent calendar. The bill went to study in the senate and was defeated. This was a good idea last year and is still a good idea. Vote 16-2.

HB 65, allowing licensed barbers and cosmetologists to employ shampoo assistants. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice L. Pilotte for Executive Departments and Administration: The committee heard testimony on two bills dealing with shampoo assistants (HB 65 and HB 239) and recognizes the advisability of accepting the provisions of HB 239, as amended, for a shampoo assistant apprentice program rather than the exemption provision in this bill. Vote 18-0.

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A. Laurie Harding for Executive Departments and Administration: The Department of Health and Human Services is requesting legislative intent to formalize a process which is currently used for the inspection of offices where electrology is practiced. Vote 16-2.

Amendment (0042h)

Amend the bill by replacing section 1 with the following:

1 Powers of the Commissioner; Inspections. Amend RSA 314:2, V to read as follows:

V. Conducting ~~[inspections and]~~ investigations *and directing inspections of each office identified by a licensee*, in accordance with RSA 314:9.

HB 181, establishing a committee to study the special account in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. James M. Fitzgerald for Executive Departments and Administration: There was unanimous bipartisan support to establish this important committee to study the special accounts of the New Hampshire Retirement System. The special accounts are running low and could have an adverse effect on member benefits. The amendment changes the reporting date from December 1 to September 1, 2005. Vote 18-0.

Amendment (0073h)

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before September 1, 2005.

HB 216-FN, relative to the authority of the New Hampshire retirement system to purchase supplies and services. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill exempts the retirement system from provisions on the purchase of supplies by the department of administrative services. Exemptions of this sort are fairly common and are contained in RSA 21-I:18.I. The amendment

to this bill also allows the retirement system to purchase through the director of plant and property management when it wishes to do so to employ the states purchasing power when appropriate. When making such purchases, the retirement system shall be required to follow the provisions of this chapter and shall make purchases under competitive bidding requirements except when waived by the executive director or his or her authorized agent upon written justification. Vote 17-1.

Amendment (0061h)

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Administrative Services; Purchase of Supplies; Exemptions; Retirement System Added. Amend RSA 21-I:18, I by inserting after subparagraph (n) the following new subparagraph:

(o) The New Hampshire retirement system shall not be required to make any purchases through the director of plant and property management, unless it wishes to do so. If it does, the executive director shall be required to follow the provisions of this chapter. The retirement system shall make purchases under competitive bidding requirements except when waived by the executive director or his or her authorized agent upon written justification.

AMENDED ANALYSIS

This bill allows the retirement system to be exempt from provisions on purchases of supplies administered by the department of administrative services.

Referred to Finance.

HB 222-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill extends the year of eligibility of group II members who become disabled for the payment of benefit costs by the retirement system. This benefit is terminally funded each year for new members employed after July 1, 2005 thru June 30, 2006. Without this bill, there would be no medical benefit for the employee other than workman's compensation. Vote 18-0.

Referred to Finance.

HB 239-FN, relative to certification of shampoo assistants by the board of barbering, cosmetology and esthetics. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill was brought forward at the request of Joint Legislative Committee on Administrative Rules to clarify the responsibilities and qualification of shampoo assistants. The bill is crafted so it does not impede anyone from becoming a shampoo assistant. The bill establishes registration requirements, direct supervision and fees. The board of barbering, cosmetology and esthetics approves of this solution. Vote 18-0.

Amendment (0126h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to registration of shampoo assistants by the board of barbering, cosmetology and esthetics.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition; Shampoo Assistant. Amend RSA 313-A:1 by inserting after paragraph XIII the following new paragraph:

XIII-a. "Shampoo assistant" means any person registered with the board as an assistant who performs any of the following functions:

- (a) Shampooing.
- (b) Rinsing and pulling rods.
- (c) Rinsing treated or untreated hair.
- (d) Other cleaning or sink-related functions as determined by the board.

2 New Paragraph; Rulemaking; Shampoo Assistants. Amend RSA 313-A:8 by inserting after paragraph XIII:

XIII-a. The application, qualification, and fees for registration of shampoo assistants.

3 New Section; Qualifications; Shampoo Assistants. Amend RSA 313-A by inserting after section 13 the following new section:

313-A:13-a Qualifications; Shampoo Assistants. In order to be registered as a shampoo assistant by the board, a person shall:

- I. Be at least 16 years of age or have successfully completed the eighth grade or equivalent.
- II. Work under the direct supervision of a licensed barber or cosmetologist.
- III. Pay a fee as established by the board.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires shampoo assistants to be registered with the board of barbering, cosmetology and esthetics, and requires the board to adopt rules for the registration.

HB 107, relative to the use of artificial light to view moose in Coos County. **OUGHT TO PASS**
Rep. Renney E. Morneau for Fish and Game: This bill would extend the permissible hours from 9:00 to 11:00 p.m. to allow for moose tours to bring tourists on excursions late enough to see moose in their habitat, benefiting not only the local economy, but also providing tourists with a social activity. Vote 12-0.

HB 179-FN, permitting certain hunting activities on one's own land without a license. **INEXPEDIENT TO LEGISLATE**

Rep. Vincent E. Greco for Fish and Game: This bill would have exempted property owners from purchasing special hunting stamps for a variety of wildlife such as turkey, pheasant, bear, etc. This would have resulted in an undeterminable loss of revenue for the year 2005 and beyond. It was the committees' opinion that wildlife is a state resource and everyone should pay their share to help manage the resource. Vote 10-1.

HB 199, relative to fish and game department expenditures for marine fisheries. **OUGHT TO PASS**
Rep. Stephanie Eaton for Fish and Game: The committee voted unanimously to support this Fish and Game Department request. Efficiency of process promotes that the Fish and Game Executive Director may adopt marine fisheries' rules as provided by statute. This bill also repeals provisions directing marine fisheries funds, leaving that responsibility to the Director. Vote 12-0.

HB 206, relative to alcohol education and abuse prevention and treatment programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: In 2000, the legislature created the Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment. The commission has received various levels of funding using monies determined through a formula from profits from the sale of liquor. The purpose of these monies was to provide for alcohol and drug abuse education and prevention.

This bill will ensure that the formula for the distribution of designated profits will be used as the previous legislation calls for, primarily used for alcohol and other drug abuse prevention, Vote 17-0.

Amendment (0125h)

Amend RSA 176-A:1, III as inserted by section 1 of the bill by replacing it with the following:

III. Moneys shall be disbursed from the fund upon the authorization of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment established pursuant to RSA 12-J:1. ~~[At least 1/2 of the money]~~ **Funds** disbursed ~~[from the fund]~~ shall be used ~~[primarily]~~ for alcohol ~~[education]~~ and **other drug** abuse prevention ~~[activities]~~, **intervention, and treatment services, and other purposes related to the duties of the commission under RSA 12-J:3.**

HB 224-FN, relative to the collection of data on hospital-acquired infection rates. **INEXPEDIENT TO LEGISLATE**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill, relative to the collection of data on hospital acquired infections, is a subject matter of good intentions. After the bill was entered, the prime sponsor and the co-sponsors requested that the bill be withdrawn from consideration due to the fact that late information became available that this data is currently being monitored and recorded by the Medicaid Commission and currently by the New Hampshire hospitals. Vote 19-0.

HB 247, extending the law regarding receivership of care facilities for a certain length of time. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill was introduced at the request of the long term care ombudsman. Two years ago the legislature passed and the

governor signed a law regarding health care facilities going into receivership. That law was scheduled to sunset in July 2005. The legislature was concerned that in the event a health care facility ceased to function that the residents be protected. Any change in housing, particularly for elderly in institutional care, can lead to psychological trauma and severe reactions. The legislation, in part, was based on a 2002 national AARP study of nursing home closures. That legislation, if anything, is needed even more so today. There is considerable concern over the future of nursing home beds as the GraniteCare Plan is studied. In addition, it was announced that many nursing homes have waiting lists, further complicating the ability of individuals to relocate if closure occurs. This bill has the unanimous support of the committee. In addition, it was supported by the Long Term Care ombudsman and his advisory committee. No one spoke in opposition. Vote 19-0.

HB 269, establishing a statutory committee for the protection of human research subjects. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill was initiated at the request of the Department of Health and Human Services. The D.H.H.S., for several years, has had an existing committee for the protection of human subjects. This practice is common, particularly to agencies who carry on research utilizing federal research funds. This bill covers research in the areas of mental health, developmental disabilities, or any other dependence disorders or addictions. The bill was unanimously supported by the committee. It is an essential ingredient for the state to participate in competition for federal funding for research in mental health and addiction. This bill fulfills a federal and scientific requirement to protect consumers participating in research studies. The committee agrees that this is required to receive federal funding. Vote 15-0.

HB 41, relative to the right-to-know study commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory M. Sorg for Judiciary: This bill would transform the right-to-know commission into a permanent oversight commission that would report annually on findings and recommendations for proposed legislation considered necessary to keep the right-to-know law, RSA 91-A, current and consistent with its purposes in light of on-going advances in information technology. The amendment changed the number of House members on the commission from three to four. Vote 15-0.

Amendment (0044h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the right-to-know oversight commission.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Right-to-Know Oversight Commission. Amend RSA 91-A by inserting after section 10 the following new subdivision:

Right-to-Know Oversight Commission

91-A:11 Oversight Commission Established. There is established an oversight commission to study and oversee the right-to-know law in light of the supreme court's decision in *Hawkins v. N.H. Department of Health and Human Services* and increasing use of electronic communications in the transaction of governmental business.

91-A:12 Membership and Compensation.

I. The members of the oversight commission shall be as follows:

(a) Four members of the house of representatives, one from the science, technology and energy committee, one from the municipal and county government committee, one from the judiciary committee, and one other member, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

(c) Three municipal officials, appointed by the New Hampshire Municipal Association.

(d) One school board member, appointed by the New Hampshire School Boards Association.

(e) One school administrator, appointed by the New Hampshire School Administrators Association.

(f) Two county officials, appointed by the New Hampshire Association of Counties.

(g) Four members of the public, one of whom shall be an attorney who has knowledge of and experience with the right-to-know law, one of whom shall be an information technology professional, and one of whom shall be a telecommunications professional, all appointed by the governor with the consent of the council.

(h) The attorney general, or designee.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

91-A:13 Duties. The commission shall study:

I. The need for disclosure requirements or guidelines for email and other electronic communication occurring between and among state, county, and local government appointed and elected officials and employees of governmental entities.

II. The need for disclosure requirements or guidelines for electronic communications with constituents of state, county, and local government appointed and elected officials and employees of governmental entities.

III. Archival requirements for electronic documents.

IV. The status of proprietary data within the definitions of the right-to-know law.

V. The ability to recover costs relative to the retrieval of electronic files and communications.

VI. Issues relative to public records posted to web sites of governmental entities.

VII. Whether a member of a body subject to the right-to-know law may participate in a meeting by teleconference or other electronic means.

VIII. The extent to which the public will be provided access to stored computer data under the right-to-know law.

IX. Any other matter deemed relevant by the commission.

91-A:14 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. Nine members of the commission shall constitute a quorum.

91-A:15 Report. The commission shall make an annual report beginning on November 1, 2005, together with its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, and the governor.

2 Repeal. RSA 91-A:11 – RSA 91-A:15, relative to the right-to-know oversight commission, are repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2010.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill changes the name of the right-to-know study commission to the right-to-know oversight commission, and extends the commission for 5 years.

This bill is a request of the right-to-know study commission established in 2003, 287.

HB 44, allowing municipalities to require certain current use landowners to file a bond for the payment of the land use change tax. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: The committee felt that even though this was enabling legislation, there was potential for complications and confusion. One issue that was raised was the added expense burden onto the property owner for obtaining and maintaining a bond. According to the bill, the reason for this bond was because sometime during ownership of the property, the owner had been in arrears on the property taxes. Another issue that was of concern to the committee was that the owner would be guilty of a misdemeanor if he or she failed to provide the bond within 30 days of a notice to do so from the local assessing official. We feel that the sponsor has good intentions to address this issue, but this bill is not the best method to achieve the results that are sought. Vote 18-0.

HB 53, repealing a 1901 law relating to the apportionment of library funds in the town of Haverhill. **OUGHT TO PASS**

Rep David L. Buhlman for Municipal and County Government: In the 1880's, three libraries were founded in the town of Haverhill. Due to a local conflict, the Legislature settled the dispute in 1904 when it passed Act 180: "An Act to prevent the Misappropriation of Funds Raised by Taxation for Public Libraries in the Town of Haverhill," which allocated a specific percentage of funds to one of those libraries. At the town meeting in 2004, Article 17 of the warrant requested that the legislature repeal 1901, 180 relative to the apportionment of library funds in the town of Haverhill. The committee received a signed confirmation of that article from the three Town Library Trustees. The warrant article passed with a showing of strong local support and the committee voted to recommend repeal of 1901, 180. Vote 18-0.

HB 64, establishing a committee to study assessing local education costs on a county-wide basis. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: The committee received limited testimony in reference to this bill. We unanimously feel that this bill raises the possibility of establishing the foundation of county-wide donor towns with respect to educational funding. The bill also raised questions with regard to education costs in school districts that expand beyond county boundaries that could not be accurately determined. Vote 17-0.

HB 84, relative to compensation of Rockingham county convention members for county business. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: The current law allows only delegation members of county committees to be eligible for compensation for any mileage and time. This bill started out as a Rockingham County bill only but in looking at the issue, the committee amended RSA 24:9 to allow all county conventions to decide if and when any member of the convention would be compensated for mileage and time when attending to, discharging, or participating in county business at the county complex or other locations, as authorized by the county convention. Vote 17-0.

Amendment (0032h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to compensation of county convention members for county business.

Amend the bill by replacing all after the enacting clause with the following:

1 County Conventions; Compensation For County Business. RSA 24:9-e is repealed and reenacted to read as follows:

24:9-e Compensation for County Conventions. Members of each county convention may receive from the county treasury a sum not to exceed \$25 per day for actual attendance at meetings of their respective conventions and an allowance for travel expenses to and from the place of meeting at a rate per mile not in excess of the rate allowed by the United States Internal Revenue Service to be set by a vote of the respective county convention. In addition, the county convention chair may approve compensation for members attending to, discharging, or participating in other official county business, as provided in RSA 24:9-f. The members are not entitled to receive any compensation or mileage for attending such meetings when county meetings are held at the state house in Concord on a legislative day.

2 Meetings; Official Business. Amend RSA 24:9-f to read as follows:

24:9-f Meetings of Committees; **Official Business**. Either the chairperson of the convention or the chairperson of the executive committee may call meetings of the executive committee to be held at any time either at the state house in Concord or at any place within the respective county. The members of the executive committee shall be entitled to the same compensation and travel expenses for actual attendance at such meetings as is provided for attendance at meetings of the convention of said county[; members of subcommittees, study committees and committees of investigation]. **In addition, any member of the convention may receive such compensation as determined by [their] his or her respective county [conventions] convention and appointed by the county convention chairperson for the discharge of [their] official business plus an allowance for travel expenses at the rate set for attendance at meetings of the convention of said county for travel to and from the place of meetings or official business; said sums to be paid from the county treasury, provided that no such compensation and expenses shall be allowed when such meeting or business is held at the state house in Concord.**

3 Repeal. RSA 24:9-ee, relative to compensation for county conventions, is repealed.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows county convention members to receive compensation for attending to, discharging, or participating in county business, as approved by the county chair and authorized by the county convention.

HB 87, relative to the authority of the Carroll county public water system. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: The county of Carroll was authorized to have jurisdiction over, operate and maintain a public water system within the borders of the town of Ossipee and on their own land in 2002. There are 51 private users, besides the

county, which receive water from this public water system. In the process of setting up the accounting of this system, it was discovered that the county did not have the authority to keep the funds separate from the general funds of the county itself. This bill is the correction to that situation where the funds received from the collection of water rates shall be kept as a separate and distinct fund. The revenues and expenditures will still be a part of the county budget which shall be within the amounts appropriated by the county convention. Vote 18-0.

HB 122-FN-L, relative to airing general court sessions on local government access channels. **INEXPEDIENT TO LEGISLATE**

Rep. Harry Gale for Municipal and County Government: This bill would require municipalities operating a local government cable access channel to air sessions of the General Court provided to it on tapes delivered by State Representatives. During testimony, the committee was able to determine that this would amount to a sufficient cost to the cable access channels that would need to be absorbed by the local access channel. There was considerable question within the committee as to whether this was a Part I Article, 28-a of the NH Constitution issue due to the requiring of the transmission of the submitted tape. The only remedy to the situation would be to pass along the expense of the transmission to the state representative. Further testimony indicated that if time allowed, the airing of session tapes was presently allowed. Vote 18-0.

HB 163, establishing a committee to study the provision of education through the county government system. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Theberge for Municipal and County Government: Since 1962 the legislature has undertaken 12 (twelve) separate School Administrative Unit (SAU) studies which indicated that the comprehensive studies of SAU's is almost as extensive as the structure itself. In order to establish a study committee that could entail shifting the control and funding of public education from the local communities to the ten counties, the duties of the study committee would need to be more specific than to "study the provision of education through the county government system and the committee may solicit advice and expertise which it deems necessary". There was also acknowledgement that current SAU boundaries cross county and, in some instances, state boundaries and there was no detailed charge to address that issue either. The committee also thought that this idea would be shifting the obligation of public education to the counties who are dealing with supplying costly services already. Vote 18-0.

HB 193, relative to efficient renewable energy programs. **INEXPEDIENT TO LEGISLATE**

Rep. Lee G. Slocum for Science, Technology and Energy: The committee has received three bills, including HB 185 relating to the use of renewable energy, and intends to combine them into one study bill which will make a comprehensive study of renewable energy sources for New Hampshire. The option to purchase renewable energy is available now as part of transition service. The committee does not support mandating use of a portion of the systems benefits charge for renewables. Sponsors can apply now to the PUC for this purpose. The purpose of the study would be to maximize incentives to use renewables without mandates. Vote 10-1

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jim Ryan for Science, Technology and Energy: The committee conducted a hearing on the bill and conducted a subcommittee review with the prime sponsor. The bill, as amended by committee action, creates a study committee to review regulatory or deregulatory action and makes recommendations to the PUC with a view towards allowing traditional phone service providers to become more competitive, while assuring affordable basic telephone service. Vote 11-0.

Amendment (0111h)

Amend the bill by replacing section 1 with the following:

I Committee Established. Since incumbent local exchange carriers face competition from services that are not regulated, a committee is established to study regulatory practices pertaining to the telecommunications industry.

Amend paragraph III of section 3 of the bill by replacing it with the following:

III. Innovative regulatory approaches, which have been implemented in other jurisdictions, which lessen business restrictions of the companies in return for price stability.

IV. The impact of competition and the potential for alternatives other than the typical rate of return regulation that will provide incentives for infrastructure investment and the offering of new and innovative services while preserving universal access to affordable basic telephone services.

HB 40, relative to inspection dates for certain vehicles. **OUGHT TO PASS**

Rep. Stephen H. Nedeau for Transportation: The committee felt that motor homes should be included in this bill, in order to protect the so called "snowbirds" who are either in the south or cover for the season. In reading the RSA, recreational vehicles as defined in RSA 259:84-a does cover this class of vehicles. This requirement of inspection shall be annually by July 1st for all motor homes without regard to the owner's birth date or registration month. Vote 9-0.

HB 93-FN, relative to farm plates for motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill, if passed, would have allowed vans to have farm plates so that any vehicle would be permitted to haul farm workers around. The Department of Safety receives more complaints on the abuse of farm and agricultural plates than any other plates. A van with these plates could end up being used to transport groceries, go to the movies, for teens dating and just about anything else that isn't farm related. This would be a loss of revenue for the local municipalities and the Department of Safety. Based on years of testimony, the committee chooses not to continue or help this abuse of plates and lost revenue. Vote 10-0.

HB 149-FN, prohibiting the use or installation of radar scrambler devices in motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would prohibit the use of a radar scrambler device in motor vehicles. Unlike the bill we passed last year on traffic signal preemptive devices, this radar scrambler is not a hazard to the motoring public. As a matter of fact, the state police have only seen two of these devices and they were in the cars of the drivers who were stopped for speeding. Obviously they don't work. Buyer beware would be a better enforcement than this law. The committee expects that someone has found a way to sell another gadget to the motoring public. The only prohibiting here should be for the consumer not to purchase a radar scrambling device. Vote 10-0.

HB 166, relative to notice of driver's license suspension or revocation. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen H. Nedeau for Transportation: This bill would require the Department of Safety to send a letter by certified mail when a person's driver's license is going to be suspended. Currently the letter is sent by registered mail. Most people that have their licenses suspended either have had a court or motor vehicle hearing. The committee felt that you should be responsible to make sure that any ticket you receive is paid or contested in court. Vote 13-0.

HB 212, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen H. Nedeau for Transportation: Current law states that your headlights shall be on thirty minutes after sunset to thirty minutes before sunrise and any time when rain, snow or fog shall interfere with the proper view of the road or visibility is under 1000 feet. With daytime running lights being offered as standard equipment on more new vehicles, the committee felt that this bill was unnecessary. Federal Law in 2008 will make this mandatory for all vehicles. Vote 14-0.

REGULAR CALENDAR

HB 145, relative to the healthy kids corporation. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen B. Stepanek for the Majority of Commerce: The committee heard a great deal of testimony on this bill. Everyone was in unanimous agreement that the Healthy Kids program was one of the most successful programs of its kind in the country. In fact it is being held up as a national model on how to do it right. The Healthy Kids Corporation was created by the legislature. The Speaker of the House appoints a board member, the Senate President appoints a board member, the insurance department appoints a board member and the Governor appoints a board member. In total the state appoints approximately 40% of the Healthy Kids board. Currently, Healthy Kids puts out to bid, every 3 years, the contract for health insurance. In addition, they solicit both federal money and private donations all of which are used to provide health insurance

to uninsured kids. Healthy Kids has reduced the number of uninsured children in New Hampshire by over 50%. Health and Human Services has attempted to not only bid out the insurance for Healthy Kids but also the administrative services which Healthy Kids provides. Healthy Kids was created by the legislature and has legislative oversight through its appointments to the Board of Directors. By putting the administrative portion of Healthy Kids out to bid, Healthy Kids as it was created by the legislature would cease to exist. This bill insures that Healthy Kids continues as envisioned by the legislature, to be the highly successful model program it is today. Vote 19-2. Rep. Marshall Lee Quandt for the Minority of Commerce: The minority of the committee agrees with the majority that the Healthy Kids Program has done a good job at what they have done and what they do. The minority disagrees on two issues. This bill appears to be putting the legislature in the middle of a dogfight between Healthy Kids and Health and Human Services; we believe we do not belong there. The second issue is of sole source contracting where we are guaranteeing a contract with Healthy Kids to administer the program without putting the management of the program out to bid. We believe that competitive bidding is a good tool to insure a program continues to re-evaluate itself for the best service to our children and the taxpayers.

Majority committee report adopted.

Ordered to third reading.

Rep. Langlais declared a conflict of interest and did not participate.

HB 32, establishing a committee to study the feasibility of implementing the Second Chance drug rehabilitation program in the New Hampshire prison system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene P. Charron for Criminal Justice and Public Safety: "Second Chance" is a prison based rehabilitation program that assists government in addressing criminal behavior and substance abuse. Four key modules are utilized: (1.) Drug Rehab Module, (2.) Education Module, (3.) Self-Respect Module and (4.) Life Skills Module. Currently the program has been implemented successfully in the prisons of Ensenada and Tijuana, Mexico and in Puerto Rico. The majority of the committee voted to study *HOW* and *IF* this program might assist our state in positively reducing recidivism. The amendment changes line 23 to read: Senate Clerk, the Governor and the State Library on or before November 1, 2006 The purpose of the extension of time was to be able to provide enough time to conduct research into the pros and cons of the program, and for those state agencies to provide their input into this progressive program. Vote 12-7.

Amendment (0029h)

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

Adopted.

Committee report adopted and ordered to third reading.

HB 49, establishing an independent legislative redistricting commission. **MAJORITY: INEXPE- DIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko the Majority of for Election Law: This bill would establish an independent legislative redistricting commission to prepare a redistricting plan for both the house and senate which would then be considered by the legislature. This is the third time in as many years that this proposal has been considered. The majority believes once again that it is the responsibility of the legislature to develop and propose redistricting plans. The majority of the committee also believes that passage of this bill would add another layer to the already complicated process of redistricting and that it would be inappropriate for the legislature to bind a future legislature when redistricting will be considered. Vote 12-4.

Rep. Charles F. Weed for the Minority of Election Law: The minority of the committee believed that insulating the next decennial redistricting from partisan sitting legislators would serve to increase both the appearance and reality of fairness in the redistricting process. The advisory board would provide a carefully drafted model which could be adjusted by the legislature. The appearance of fairness is supremely important to democracy and maintaining the position of New Hampshire as an exemplar for the rest of the nation. The minority believes that the experience in the

previous two decennial redistricting efforts created unnecessary divisiveness and rancor between the major parties and an unfortunate Supreme Court intervention. This would be a better way. The question being adoption of the majority committee report.
 Rep. Weed spoke against.
 Rep. Drisko spoke in favor and did not yield.
 Rep. Weed requested a roll call; sufficiently seconded.
 The question being adoption of the majority committee report.

YEAS 241 NAYS 122**YEAS 241****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

CHESHIRE

Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Alger, John	Barker, Robert	Dorsett, Andrew	Eaton, Stephanie
Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Naro, Debra	Sorg, Gregory
Ward, John	Williams, Burton		

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Baines, Stephen
Balboni, Michael	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Carlson, Donald
Carter, Mark	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Larry
Elliott, Nancy	Emerton, Larry	Francoeur, Bea	Gargas, Carolyn
Gibson, John	Golding, William	Gonzalez, Carlos	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Holden, Randolph	Hunter, Bruce	Infantine, William	Jasper, Shawn
Jean, Claudette	Kelly, Eugene Jr	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Manney, Pamela	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	Moran, Edward	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pepino, Leo
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Velez, Hector	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric
Field, William
Kidder, David
Lockwood, Priscilla
Oliver, James

Blanchard, Elizabeth
Hager, Elizabeth
Klose, John
MacKay, James
Soltani, Tony

Currier, David
Hess, David
L'Heureux, Stephen
Marple, Richard
Whiting, Herbert

DeStefano, Stephen
Kennedy, Richard
Langlais, Thomas
Maxfield, Roy

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Charron, Gene
DiFruscia, Anthony
Doyle, Christopher
Forsing, Robert
Gillick, Thomas
Hopfgarten, Paul
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Packard, Sherman
Rausch, James
Scamman, Stella
Waterhouse, Kevin
Wells, Roger

Asselin, Michael
Bridle, Russell
Coburn, James
Dodge, Robert
Dumaine, Dudley
Francoeur, Sheila
Gould, Kenneth
Hughes, Daniel
Johnson, Robert
Kobel, Rudolph
Manning, John
Morris, Richard
Putnam, Ed II
Robertson, Carl
Smith, Paul
Weare, E Albert
Weyler, Kenneth

Belanger, Ronald
Buxton, Donald
Cooney, Richard
Donahue, Richard Ken
Fesh, Bob
Garriety, James
Griffin, Mary
Ingram, Russell
Johnson, Rogers
Langley, Jane
Mason, April
Nowe, Ronald
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Welch, David
Wiley, Robert

Bettencourt, David
Camm, Kevin
Dalrymple, Janeen
Dowd, John
Flanders, John Sr
Gilbert, Karl
Headd, James
Introne, Robert
Katsakiores, George
Lund, Howie
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Sanders, Elisabeth
Stone, Joseph
Weldy, Norman
Zolla, William

STRAFFORD

Albert, Russell
Campbell, W Packy
Easson, Timothy
Newton, Clifford

Berube, Roger
Cataldo, Sam
Goodwin, Earle
Rollo, Michael

Bickford, David
Chaplin, Duncan
Keans, Sandra
Twombly, James

Brown, Julie
Dunlap, Patricia
Knowles, William

SULLIVAN

Gale, Harry

Irish, Christopher

Rodeschin, Beverly

NAYS 122**BELKNAP**

Morrison, Gail

None

CHESHIRE

Allen, Peter
Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Pliika Jr, Stanley
Robertson, Timothy

Butynski, William
Espiefs, Peter
Pratt, John
Sinclair, Stephanie

Chase, William
Mitchell, Bonnie
Richardson, Barbara
Tilton, Anna

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Mulholland, Catherine

Andersen, Gene
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

Bleyler, Ruth
McLeod, Martha
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Clemons, Jane

Beaulieu, Jane
Cote, David

Brassard, Paul
Craig, James

Chase, Claudia
Daniuk, Caitlin

Egbers, Fran
Ginsburg, Ruth
Hall, Betty
Michon, Stephen
Rosenwald, Cindy
Shaw, Kimberly

Essex, David
Goley, Jeffrey
Harvey, Suzanne
Pappas, Christopher
Ross, Lawrence
Smith, David

Foster, Linda
Gorman, Mary
Lefebvre, Roland
Pilotte, Maurice
Schulze, Joan
Sullivan, Francis

Garrity, Patrick
Haley, Robert
Matarazzo, Anthony Sr
Rochette, Eric
Shaw, Barbara

MERRIMACK

Bouchard, Candace
French, Barbara
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

Brueggemann, Donald
Gile, Mary
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Clarke, Claire
Greco, Vincent
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Foose, Robert
Hamm, Christine
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Flockhart, Eileen
Splaine, James

Blanchard, MaryAnn
Norelli, Terie

Cali-Pitts, Jacqueline
Powers, James

Casey, Kimberley
Serlin, Christopher

STRAFFORD

Brown, Jennifer
Heon, Richard
Kaen, Naida
Smith, Marjorie
Wall, Janet

Cilley, Jacalyn
Hilliard, Dana
Miller, Joseph
Snyder, Clair

Creteau, Irene
Hofemann, Roland
Rous, Emma
Spang, Judith

Grassie, Anne
Johnson, Nancy
Schmidt, Peter
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

and the majority committee report was adopted.

Rep. Dickinson did not vote and notified the Clerk that he wished to be recorded in favor.

HB 82, relative to defining political committees of political parties. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. William L. O'Brien for the Majority of Election Law: The bill expands the definition of "political committee of a political party" under the statute concerning political expenditures and contributions. The existing definition is limited to state, county, city, ward and town party committees. The sponsors sought to allow a single party committee to cover any combination of towns, cities or counties. By amendment, the definition of a political committee of a political party would be expanded to allow a contiguous area within a county so long as it does not include more than one city or include an area covered by a current political committee of a political party. Multi-county committees were found not to be desirable because they would be disruptive of the hierarchical organization of the parties. It was also found to be important that existing town and ward committees should not be superseded by regional committees unless the parties want a regional committee to take over. The amendment also accommodates a request of the secretary of state's office that each political committee of a political party be incorporated into the by-laws of the party as filed with the secretary of state and makes explicit a requirement that all political committees are required to make certain financial disclosure filings with the secretary of state. Vote 12-6.

Rep. James R. Splaine for the Minority of Election Law: The minority believes that by expanding the definition of a "political committee of a political party" in RSA 664:2 V, the sponsors of HB 82 clearly intended the bill to enable political parties to create regional committees made up of contiguous towns/cities with some commonality of interests whether within one or more counties. It is also the intent of the sponsors to maintain and reinforce existing town and county committees. Their purpose is to broaden citizen participation in the political process by offering multi-levels of political organization: town, regional, county and state. The amendment to the bill impedes these

objectives and inhibits the formation of new town committees. The amendment even implies that existing town committees would have to dissolve if they chose to participate in a multi-town group. This is clearly not in the interest of either state party nor is it the intent of the sponsors. The minority supports the original bill.

Amendment (0040h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to political committees of political parties.

Amend the bill by replacing all after the enacting clause with the following:

1 Political Expenditures and Contributions; Definitions; Political Committee of a Political Party.
Amend RSA 664:2, V to read as follows:

V. "Political committee of a political party" means:

(a) A [the] state, county, city, ward, or town committee of a political party *that has been approved by and incorporated into the by-laws of a political party, as filed with the secretary of state before the first Wednesday in June of that year; or*

(b) A committee that:

(1) Covers any contiguous area within a county which does not include more than one city and which does not include a city, ward, or town with its own political committee of a political party; and

(2) *Has been approved by and incorporated into the by-laws of a political party, as filed with the secretary of state before the first Wednesday in June of that year.*

2 Reporting by Political Committee. Amend RSA 664:6, II-III to read as follows:

II. A *political committee shall file* an itemized statement in the same form as in paragraph I [~~shall be filed~~] with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the period under paragraph I if a statement is filed and shall itemize all receipts and expenditures since the cutoff of that statement up until the Monday preceding the filing of the statement under this paragraph.

II-a. A *political committee shall file a* statement in the same form as in paragraph I [~~shall be filed~~] with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts and expenditures since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution exceeding \$500 which is received after the statement under this paragraph is filed and prior to the day of election.

III. A *political committee shall file* an itemized statement in the same form as in paragraph I summarizing the previous statements if such statements are filed and itemizing all receipts and expenditures since the cutoff of the previous report and ending on the day of the primary or the general election [~~shall be filed~~] with the secretary of state not later than the second Wednesday after the election, before 5 o'clock in the afternoon.

3 Reporting by Political Committee; Reference Corrected. Amend RSA 664:6, VI to read as follows:

VI. Copies of the statements required by paragraphs [F] II through V of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the definition of "political committee of a political party" to include certain committees covering areas within a county. This bill also clarifies certain reporting requirements for political committees.

On a division vote, 234 members having voted in the affirmative and 127 in the negative, the majority committee amendment was adopted.

Majority committee report adopted and ordered to third reading.

HB 210-FN, relative to the determination of absence and return of contributions of members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill reduces the time a member can be absent from service from 7 years to 2 years. A majority of the committee felt two years was more than sufficient for maternity leave and/or education purposes. In addition the accumulated contributions of a member shall be returned after a 2 year period of absence rather than holding them for 7 years. After such a long period it is difficult to locate the member or in most cases his or her beneficiary. The member may request these contributions be returned any time within the two-year period. This change was an audit observation of the 2003 audit report. The amendment to this bill simply changes the time of implementation from passage to June 30, 2006 to give the system time to incorporate the change. Vote 12-6.

Amendment (0060h)

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect June 30, 2006.

Adopted.

Rep. Hawkins spoke against.

Rep. Zolla spoke in favor.

Committee report adopted.

Rep. Robert Johnson declared a conflict of interest and did not participate.

Referred to Finance.

HB 238-FN, relative to the use of marijuana for medicinal purposes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles E. McMahon for the Majority of Health, Human Services and Elderly Affairs: This bill asks that the state of New Hampshire allow the use of marijuana in its plant form for personal use in the treatment of pain and other diseases once a patient obtains written certification from the patient's physician. Further, it specifies that an "adequate" supply of marijuana be allowed for this use by the patient, which includes 3 mature plants, 4 immature plants, and 1 ounce of useable marijuana per each plant. The committee heard testimony from citizens in support of the medical use of smoked marijuana for pain. However, it was significant that no physicians, of which there are over 4,000 in the state, testified in support of this bill and no evidence was offered to prove that smoked marijuana did in fact alleviate pain. In contrast however, the F.D.A. has approved the use of a component of marijuana called "T.H.C.", in synthetic form which is available as Marinol. Taken orally as a pill, it has been found effective for cancer and AIDS patients in the treatment of nausea and vomiting and stimulating weight gain. The position that smoking marijuana would reduce pain was offered via anecdotal testimony by those in support of the bill. However, upon review of the information provided for consideration, virtually no data via scientific studies or other empirical resources were provided to support this claim. Law enforcement also expressed deep concern with this measure on grounds of the inherent enforcement conflicts that would arise, documentation fraud, doctor shopping, and that it would clearly promote illegal drug use. As a Schedule 1 controlled drug, the use of herbal marijuana is placed in the category with the highest potential of abuse and with no accepted medical benefit. Its use remains prohibited under state and federal law and, as stated in information supplied to the committee in hearings, the advocacy of its use for medical purposes could be but a part of a larger strategy to win broader legalization. Information was also reviewed from organizations of the medical community such as the A.M.A., the New Hampshire Medical Society, and the Institute of Medicine. The consensus of the current research has shown that smoked marijuana is not helpful as medicine and in fact, by its use increases the chance of cancer, lung damage, and poor pregnancy outcomes. There is support for research on developing additional synthetic compounds for medical use from marijuana based on controlled studies in the treatment of disease and pain and it is here that efforts should be focused. The committee recognizes the need and has compassion for people searching for additional choices in the relief of pain. But, marijuana in its smoked form has never been shown in controlled scientific studies to be safe and effective. Therefore, it is the belief of the committee that responsible public policy relative to drugs and their effectiveness be based on demonstrated research to ensure the safety of all New Hampshire citizens. That is not the case here and the committee voted accordingly in a non-partisan manner. Vote 14-5.

Rep. Barbara C. French for Minority of Health, Human Services and Elderly Affairs: We support the medicinal use of marijuana for the purpose of relieving chronic, severe pain, critical or terminal medical conditions in order to insure that these individuals have the best possible quality of life. Ten states have already approved marijuana for this purpose; it was legal in the state of New Hampshire in the 1980's. The bill will ensure extremely tight procedures for its use.

The question being adoption of the majority committee report.

Reps. French, Donovan and Timothy Robertson spoke against.

Reps. C. McMahon, Miller and Rogers Johnson spoke in favor.

Rep. Miller requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 252 NAYS 116

YEAS 252

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Butynski, William	Chase, William	Dexter, Judson	Emerson, Susan
Hogancamp, Deborah	Hunt, John	Pelkey, Stephen	

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Alger, John	Barker, Robert	Bleyler, Ruth	Eaton, Stephanie
Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Maybeck, Margie
Naro, Debra	Solomon, Peter	Sorg, Gregory	Ward, John
Williams, Burton			

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Baines, Stephen
Balboni, Michael	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Carew, James	Carlson, Donald
Carter, Mark	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Daniuk, Caitlin	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Larry
Elliott, Nancy	Emerton, Larry	Foster, Linda	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Golding, William	Goley, Jeffrey
Gonzalez, Carlos	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Hawkins, Ken	Hebert, Raymond	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Hunter, Bruce
Infantine, William	Jasper, Shawn	Kelly, Eugene Jr	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lefebvre, Roland	Matarazzo, Anthony Sr
McRae, Karen	Mead, Robert	Messier, Irene	Michon, Stephen
Mooney, Maureen	Moran, Edward	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Pepino, Leo	Pilote, Maurice	Price, Pamela

Reeves, Sandra
Ryder, Donald
Slocum, Lee
Sullivan, Francis
Villeneuve, Maurice

Rosenwald, Cindy
Scanlon, Michael
Smith, David
Sullivan, Peter
Wheeler, James

Ross, Lawrence
Schulze, Joan
Souza, Kathleen
Tahir, Saghir
Wheeler, Robert

Rowe, Robert
Shaw, Kimberly
Stepanek, Stephen
Ulery, Jordan

MERRIMACK

Anderson, Eric
Greco, Vincent
Kidder, David
MacKay, James
Reardon, Tara
Williams, Robert

Clarke, Claire
Hager, Elizabeth
Klose, John
Maxfield, Roy
Rush, Deanna

Currier, David
Hamm, Christine
L'Heureux, Stephen
McMahon, Patricia
Soltani, Tony

DeStefano, Stephen
Hess, David
Langlais, Thomas
Oliver, James
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Camm, Kevin
Coburn, James
Dodge, Robert
Dumaine, Dudley
Francoeur, Sheila
Gould, Kenneth
Hughes, Daniel
Johnson, Robert
Kobel, Rudolph
Mason, April
Nowe, Ronald
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Welch, David
Winchell, George

Allen, Mary
Bishop, Franklin
Carson, Sharon
Cooney, Richard
Donahue, Richard Ken
Fesh, Bob
Garritty, James
Griffin, Mary
Ingram, Russell
Johnson, Rogers
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Sanders, Elisabeth
Stone, Joseph
Weldy, Norman
Zolla, William

Asselin, Michael
Bridle, Russell
Casey, Kimberley
Dalrymple, Janeen
Dowd, John
Flanders, John Sr
Gilbert, Karl
Headd, James
Introne, Robert
Katsakiores, George
Major, Norman
McMahon, Charles
Packard, Sherman
Rausch, James
Scamman, Stella
Waterhouse, Kevin
Weyler, Kenneth

Belanger, Ronald
Buxton, Donald
Charron, Gene
DiFruscia, Anthony
Doyle, Christopher
Forsing, Robert
Gillick, Thomas
Hopfgarten, Paul
Itse, Daniel
Katsakiores, Phyllis
Manning, John
Morris, Richard
Putnam, Ed II
Robertson, Carl
Smith, Paul
Weare, E Albert
Wiley, Robert

STRAFFORD

Albert, Russell
Chaplin, Duncan
Goodwin, Earle
Rollo, Michael

Berube, Roger
Creteau, Irene
Heon, Richard
Snyder, Clair

Brown, Julie
Dunlap, Patricia
Knowles, William
Twombly, James

Cataldo, Sam
Easson, Timothy
Miller, Joseph
Wall, Janet

SULLIVAN

Ferland, Brenda

Gale, Harry

Irish, Christopher

Rodeschin, Beverly

NAYS 116

BELKNAP

Morrison, Gail

CARROLL

Babson, David Jr

Dickinson, Howard

CHESHIRE

Allen, Peter
Espiefs, Peter
Pratt, John
Sawyer, Sheldon

Butcher, Suzanne
Mitchell, Bonnie
Richardson, Barbara
Sinclair, Stephanie

Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris
Tilton, Anna

Eaton, Daniel
Plifka Jr, Stanley
Robertson, Timothy
Weed, Charles

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Dorsett, Andrew	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda			

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Buhlman, David	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Crane, Elenore Casey
Egbers, Fran	Essex, David	Garrity, Patrick	Ginsburg, Ruth
Gorman, Mary	Haley, Robert	Hall, Betty	Harvey, Suzanne
Jean, Claudette	Lasky, Bette	Manney, Pamela	Martin, Mary Ellen
Ober, Lynne	Pappas, Christopher	Renzullo, Andrew	Rochette, Eric
Shaw, Barbara	Vaillancourt, Steve	Velez, Hector	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Field, William
Foose, Robert	French, Barbara	Gile, Mary	Kennedy, Richard
Lockwood, Priscilla	Marple, Richard	Osborne, Jessie	Owen, Derek
Potter, Frances	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Flockhart, Eileen	Lund, Howie
Norelli, Terie	Powers, James	Serlin, Christopher	Splaine, James
Wells, Roger			

STRAFFORD

Bickford, David	Brown, Jennifer	Campbell, W Packy	Cilley, Jacalyn
Grassie, Anne	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Newton, Clifford	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizz, James	Prichard, Stephen

and the majority committee report was adopted.

**HB 70, repealing the law requiring town selectmen to perambulate borders of towns. INEXPE-
DIENT TO LEGISLATE**

Rep. Peter Schmidt for Municipal and County Government: This bill would repeal RSA 51:2, relative to required perambulation of the town borders. The committee heard convincing testimony that the maintenance of communities' borders is a vital function, specifically by attending to the condition, position and visibility of marker monuments, with necessary repair or replacement of damaged or lost monuments. This requires perambulation by the selectmen or their designee, not merely some type of GPS involvement. Whether these functions are currently being faithfully executed or dishonored in the breach, elected officials can not neglect or disregard their sworn duty to protect and maintain their towns' borders Vote 14-2.

Committee report adopted.

**HB 89, relative to establishing non-amendable articles by voter petition. MAJORITY: INEXPE-
DIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jessie L. Osborne for the Majority of Municipal and County Government: The majority feels that this bill will limit choice in the deliberative session by making petitioned warrant articles non-amendable in an official ballot referenda town or school district. Not allowing a petitioned warrant article to be amended limits the voter to only one choice thus not allowing for different solutions and full discussion of the subject by the participants in the deliberative session. This disenfranchises the voter who attends the deliberative session believing that changes could be made

to warrant articles and would actually prohibit corrections to petitioned warrant articles by the sponsor. Official ballot referenda towns and school districts were created to have a deliberative session which mirrors the traditional town meeting process that encourages discussion and possible amending of petitioned warrant articles. The ability to amend petition warrant articles is necessary because it fulfills the intention of the legislature. Vote 11-5.

Rep. David L. Buhlman for the Minority of Municipal and County Government: This bill is intended to prevent an abuse of the democratic process that has been occurring all over the state with petitioned articles presented to towns and school districts in an official ballot referenda jurisdiction. The first session meeting, also known as the deliberative session, is often controlled by the school board or the board of selectmen due to poor attendance by the electorate. As a result, petitioned articles are often amended to mean the exact opposite of the original petition in the first session. This bill creates a new class of petitioned articles which are non-amendable. It requires a minimum of 100 signatures or 5% of the voters in the previous election, whichever is less. Without this bill, the constitutional guarantee that citizens have to petition government is not available to citizens living in these jurisdictions. It does not replace the current petitioning mechanism, it simply adds to it in order to provide more enthusiastic and fruitful participation by citizens in their local government. The question being adoption of the majority committee report.

Reps. Slocum and Hopfgarten spoke against and yielded to questions.

Reps. Nancy Johnson and Stohl spoke in favor.

Rep. Slocum requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 272 NAYS 90

YEAS 272

BELKNAP

Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Russell, David
Thomas, John	Tobin, William	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Knox, J David	McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth
Patten, Betsey			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Plifka Jr, Stanley	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sinclair, Stephanie	Tilton, Anna
Weed, Charles			

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Andersen, Gene	Barker, Robert	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Dorsett, Andrew	Gionet, Edmond	Ham, Bonnie
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Ward, John			

HILLSBOROUGH

Aboshar, Jeffrey	Allan, Nelson	Baines, Stephen	Baroody, Benjamin
Beaulieu, Jane	Bergin, Peter	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Campbell, David	Carlson, Donald

Carter, Mark
Cote, David
Desmarais, Vivian
Elliott, Nancy
Gargas, Carolyn
Gonzalez, Carlos
Hansen, Ryan
Hirschmann, Keith
Jasper, Shawn
Kurk, Neal
Manney, Pamela
Messier, Irene
Ober, Lynne
Price, Pamela
Ross, Lawrence
Schulze, Joan
Stepanek, Stephen
Wheeler, Robert

Chabot, Robert
Coughlin, Pamela
Dokmo, Cynthia
Emerton, Larry
Garrity, Patrick
Gorman, Mary
Harvey, Suzanne
Holden, Randolph
Jean, Claudette
L'Heureux, Robert
Martin, Mary Ellen
Michon, Stephen
Pappas, Christopher
Reeves, Sandra
Rowe, Robert
Shaw, Barbara
Sullivan, Francis

Chase, Claudia
Craig, James
Drisko, Richard
Essex, David
Ginsburg, Ruth
Haley, Robert
Hebert, Raymond
Hunter, Bruce
Kelly, Eugene Jr
Lasky, Bette
Matarazzo, Anthony Sr
Movsesian, Lori
Pepino, Leo
Rochette, Eric
Ryder, Donald
Shaw, Kimberly
Sullivan, Peter

Clemons, Jane
Daniuk, Caitlin
Egbers, Fran
Foster, Linda
Goley, Jeffrey
Hall, Betty
Hellwig, Steve
Infantine, William
Kopka, Angeline
Lefebvre, Roland
McRae, Karen
O'Connell, Timothy
Pilotte, Maurice
Rosenwald, Cindy
Scanlon, Michael
Smith, David
Tahir, Saghir

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Hamm, Christine
MacKay, James
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Blanchard, Elizabeth
Currier, David
Gile, Mary
Hess, David
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Kidder, David
Oliver, James
Reardon, Tara
Tilton, Joy
Williams, Robert

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
Lockwood, Priscilla
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Charron, Gene
DiFruscia, Anthony
Flanders, John Sr
Garrity, James
Headd, James
Katsakiores, Phyllis
Mason, April
Nowe, Ronald
Powers, James
Rolston, James
Stiles, Nancy
Weldy, Norman

Asselin, Michael
Buxton, Donald
Coburn, James
Dodge, Robert
Flockhart, Eileen
Gillick, Thomas
Ingram, Russell
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Putnam, Ed II
Scamman, Stella
Stone, Joseph
Weyler, Kenneth

Belanger, Ronald
Cali-Pitts, Jacqueline
Cooney, Richard
Dowd, John
Forsing, Robert
Gould, Kenneth
Johnson, Robert
Langley, Jane
Morris, Richard
Packard, Sherman
Rausch, James
Serlin, Christopher
Weare, E Albert
Wiley, Robert

Blanchard, MaryAnn
Casey, Kimberley
Dalrymple, Janeen
Doyle, Christopher
Francoeur, Sheila
Griffin, Mary
Katsakiores, George
Major, Norman
Norelli, Terie
Parker, Benjamin
Robertson, Carl
Splaine, James
Welch, David
Zolla, William

STRAFFORD

Albert, Russell
Dunlap, Patricia
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Berube, Roger
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Twombly, James

Brown, Julie
Heon, Richard
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

Cataldo, Sam
Hilliard, Dana
Keans, Sandra
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Gale, Harry
Phinzy, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Irish, Christopher
Rodeschin, Beverly

Franklin, Peter
Jillette, Arthur Jr

NAYS 90**BELKNAP**

Boyce, Laurie
Tilton, Franklin

Heald, Bruce
Wendelboe, Fran

Pilliod, James

Rosen, Ralph

CARROLL

Brown, Carolyn

Dickinson, Howard

Martin, James

Stevens, Stanley

CHESHIRE

Hunt, John

Sawyer, Sheldon

COOS

None

GRAFTON

Alger, John
Ingbreton, Paul
Williams, Burton

Almy, Susan
Maybeck, Margie

Eaton, Stephanie
Mirski, Paul

Giuda, Robert
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Christiansen, Lars
Elliott, Larry
Goyette, Peter Jr
Mead, Robert
Renzullo, Andrew
Vaillancourt, Steve

Balboni, Michael
Biundo, Michael
Clark, Mark
Francoeur, Bea
Graham, John
Mooney, Maureen
Slocum, Lee
Villeneuve, Maurice

Barry, J Gail
Buhlman, David
Crane, Elenore Casey
Gibson, John
Hagan, Barbara
Moran, Edward
Souza, Kathleen
Wheeler, James

Batula, Peter
Carew, James
Dyer, Donald
Golding, William
Hinkle, Peyton
O'Brien, William
Ulery, Jordan

MERRIMACK

Field, William
Soltani, Tony

Kennedy, Richard
Whiting, Herbert

Langlais, Thomas

Marple, Richard

ROCKINGHAM

Allen, Mary
Donahue, Richard Ken
Hopfgarten, Paul
Lund, Howie
Quandt, Matthew
Wells, Roger

Bettencourt, David
Dumaine, Dudley
Introne, Robert
Manning, John
Sanders, Elisabeth
Winchell, George

Camm, Kevin
Fesh, Bob
Itse, Daniel
McMahon, Charles
Smith, Paul

Carson, Sharon
Gilbert, Karl
Johnson, Rogers
Quandt, Marshall Lee
Waterhouse, Kevin

STRAFFORD

Bickford, David
Cilley, Jacalyn
Newton, Clifford

Brown, Jennifer
Creteau, Irene

Campbell, W Packy
Easson, Timothy

Chaplin, Duncan
Goodwin, Earle

SULLIVAN

Converse, Larry

and the majority committee report was adopted.

HB 180, relative to appeals of decisions relating to current use taxation. **MAJORITY: INEXPEDIENT TO LEGISLATE MINORITY: OUGHT TO PASS.**

Rep. Dudley D. Dumaine for the Majority of Municipal and County Government: At the present time, statutes give a citizen the option of taking a current use appeal before the Superior Court or the Board of Tax and Land Appeals (BTLA). The majority agrees that the BTLA has knowledge and expertise when it comes to land and tax issues. There was testimony that approximately eighty percent of these types of appeals go before the BTLA and roughly twenty percent go before the Superior Court of jurisdiction. However, to remove the Superior Court option will limit the due process of those twenty percent, who for whatever reason, choose the Superior Court Vote 10-5. Rep. Peter B. Schmidt for the Minority of Municipal and County Government: In the view of the minority, this bill would produce a more uniform and expert handling of appeals of decisions relating to current use taxation. Under present statutes, aggrieved parties may elect to bring such appeals either before the Board of Tax and Land Appeals (BTLA) or before the Superior Court.

This bill would remove the Superior Court as an option. The minority strongly believes that aggrieved parties stand to receive substantially more experienced and consistent handling of their cases before the BTLA. An additional advantage arises from the fact that the BTLA is composed of five members, all bringing their expertise, their intellect and their insight to achieving a fair and accurate decision.

The question being adoption of the majority committee report.

Rep. Schmidt spoke against.

Majority committee report adopted.

HB 58, relative to the effective date for the elimination of certain substances from gasoline supplies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill, as amended, establishes a date certain effective date (1-1-2007) for the elimination of certain substances, including methyl-tertiary-butyl ether (MtBE), from gasoline supplies and removes the requirement relative to opting out of the federal reformulated gasoline program. Vote 16-0.

Amendment (0048h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the effective date for the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program.

Amend the bill by replacing all after section 1 with the following:

2 Repeal. 2004, 175:1, II, relative to opting out of the reformulated gasoline program is repealed.

3 Construction. Nothing in this act shall abrogate, limit, or restrict any right to recover damages or other legal, equitable, or administrative relief under any theory of liability that the state or any other entity or person may have under federal or state statutes or common law with respect to methyl tertiary-butyl ether.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Deletes a contingency provision from 2004, 175 and requires the elimination of gasoline ethers and TBA from gasoline supplies.

II. Deletes the requirement that the department of environmental services seek federal approval to opt out of the reformulated gasoline program.

Adopted.

Committee report adopted and ordered to third reading.

HB 54, relative to responsibility for child passenger restraints. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen H. Nedeau for Transportation: This bill allows police to ticket 16 or 17-year-olds who are passengers in a motor vehicle, not just the operator, when they fail to wear a seat belt. The committee felt that this abrogated the responsibility of the operator of the vehicle and sends the wrong message about being responsible. We want to commend the "Youth to Youth" students from Dover for getting involved in the political process. The students' goals are to increase seat belt use among kids under 18 as required by law. The committee did not feel that telling the operator that he or she is no longer responsible for the actions of others in the vehicle was the right thing to do. Vote 11-3.

Rep. Knowles spoke against.

Rep. Packard spoke in favor and yielded to questions.

Rep. Packard requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 208 NAYS 148

YEAS 208

BELKNAP

Allen, Janet
Heald, Bruce
Russell, David
Whalley, Michael

Boyce, Laurie
Millham, Alida
Thomas, John

Fitzgerald, James
Nedeau, Stephen
Tilton, Franklin

Flanders, Donald
Pilliod, James
Wendelboe, Fran

CARROLL

Brown, Carolyn
McConkey, Mark

Buco, Thomas
Morrow, Harry

Chandler, Gene
Olimpio, J Lisbeth

Knox, J David
Patten, Betsey

CHESHIRE

Allen, Peter
Parkhurst, Henry

Dunn, J Timothy
Pifka Jr, Stanley

Emerson, Susan
Sawyer, Sheldon

Hunt, John
Tilton, Anna

COOS

Buzzell, Bernard
Richardson, Herbert

King, Frederick
Stohl, Eric

Merrick, Scott

Morneau, Renney

GRAFTON

Barker, Robert
Giuda, Robert
Mirski, Paul
Ward, John

Benn, Bernard
Ham, Bonnie
Sokol, Hilda
Williams, Burton

Eaton, Stephanie
Ingretson, Paul
Solomon, Peter

Gionet, Edmond
Maybeck, Margie
Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Batula, Peter
Calawa, Leon Jr
Clark, Mark
Dyer, Donald
Francoeur, Bea
Golding, William
Goyette, Peter Jr
Hinkle, Peyton
Kelly, Eugene Jr
McRae, Karen
Moran, Edward
Ober, Lynne
Reeves, Sandra
Shaw, Barbara
Souza, Kathleen
Villeneuve, Maurice

Adams, Jarvis IV
Biundo, Michael
Carew, James
Coughlin, Pamela
Egbers, Fran
Garrity, Patrick
Goley, Jeffrey
Graham, John
Hirschmann, Keith
Kopka, Angeline
Mead, Robert
Movsesian, Lori
Pepino, Leo
Renzullo, Andrew
Shaw, Kimberly
Stepanek, Stephen
Wheeler, James

Balboni, Michael
Brundige, Robert
Chabot, Robert
Dokmo, Cynthia
Emerton, Larry
Gibson, John
Gonzalez, Carlos
Hagan, Barbara
Holden, Randolph
Kurk, Neal
Michon, Stephen
O'Brien, William
Pilotte, Maurice
Rowe, Robert
Slocum, Lee
Sullivan, Francis
Wheeler, Robert

Barry, J Gail
Buhlman, David
Christiansen, Lars
Drisko, Richard
Foster, Linda
Ginsburg, Ruth
Gorman, Mary
Hellwig, Steve
Hunter, Bruce
Lefebvre, Roland
Mooney, Maureen
O'Connell, Timothy
Price, Pamela
Scanlon, Michael
Smith, David
Tahir, Saghir

MERRIMACK

Anderson, Eric
Currier, David
Hess, David
MacKay, James
Owen, Derek
Tupper, Frank

Blanchard, Elizabeth
Foose, Robert
Kidder, David
Marple, Richard
Reardon, Tara

Bouchard, Candace
Greco, Vincent
Langlais, Thomas
McMahon, Patricia
Shurtleff, Stephen

Brueggemann, Donald
Hager, Elizabeth
Lockwood, Priscilla
Oliver, James
Soltani, Tony

ROCKINGHAM

Allen, Mary
Bridle, Russell
Cooney, Richard
Dowd, John
Flanders, John Sr
Griffin, Mary
Introne, Robert
Katsakiores, George
Major, Norman
Nowe, Ronald
Putnam, Ed II
Robertson, Carl
Weldy, Norman
Zolla, William

Belanger, Ronald
Camm, Kevin
Dalrymple, Janeen
Doyle, Christopher
Forsing, Robert
Headd, James
Itse, Daniel
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Quandt, Marshall Lee
Sanders, Elisabeth
Weyler, Kenneth

Bettencourt, David
Carson, Sharon
Dodge, Robert
Dumaine, Dudley
Francoeur, Sheila
Hopfgarten, Paul
Johnson, Robert
Langley, Jane
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Smith, Paul
Wiley, Robert

Bishop, Franklin
Charron, Gene
Donahue, Richard Ken
Fesh, Bob
Gillick, Thomas
Ingram, Russell
Johnson, Rogers
Lund, Howie
Morris, Richard
Parker, Benjamin
Rausch, James
Waterhouse, Kevin
Winchell, George

STRAFFORD

Albert, Russell
Creteau, Irene
Kaen, Naida

Brown, Julie
Dunlap, Patricia
Newton, Clifford

Cataldo, Sam
Easson, Timothy
Twombly, James

Chaplin, Duncan
Heon, Richard
Wall, Janet

SULLIVAN

Converse, Larry
Prichard, Stephen

Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

NAYS 148**BELKNAP**

Clark, Charles

Morrison, Gail

Rosen, Ralph

Tobin, William

CARROLL

Ahlgren, Christopher

Babson, David Jr

Martin, James

Stevens, Stanley

CHESHIRE

Butcher, Suzanne
Eaton, Daniel
Pelkey, Stephen
Robertson, Timothy

Butynski, William
Espiefs, Peter
Pratt, John
Sinclair, Stephanie

Chase, William
Hogancamp, Deborah
Richardson, Barbara

Dexter, Judson
Mitchell, Bonnie
Roberts, Kris

COOS

Lary, Bruce

Remick, William

Theberge, Robert

Tholl, John Jr

GRAFTON

Alger, John
Cooney, Mary
McLeod, Martha

Almy, Susan
Dorsett, Andrew
Mulholland, Catherine

Andersen, Gene
Hammond, Lee
Naro, Debra

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Bergeron, Jean-Guy
Campbell, David
Clemons, Jane
Daniuk, Caitlin
Essex, David
Hebert, Raymond
Lasky, Bette
Pappas, Christopher
Ryder, Donald
Vaillancourt, Steve

Baines, Stephen
Bergin, Peter
Carlson, Donald
Cote, David
Desmarais, Vivian
Gargas, Carolyn
Infantine, William
Manney, Pamela
Rochette, Eric
Schulze, Joan

Baroody, Benjamin
Boehm, Ralph
Carter, Mark
Craig, James
Elliott, Larry
Haley, Robert
Jasper, Shawn
Martin, Mary Ellen
Rosenwald, Cindy
Sullivan, Peter

Beaulieu, Jane
Brassard, Paul
Chase, Claudia
Crane, Elenore Casey
Elliott, Nancy
Harvey, Suzanne
L'Heureux, Robert
Matarazzo, Anthony Sr
Ross, Lawrence
Ulery, Jordan

MERRIMACK

Clarke, Claire
Gile, Mary
Potter, Frances
Wallner, Mary Jane
Yeaton, Charles

DeStefano, Stephen
Hamm, Christine
Rush, Deanna
Walz, Mary Beth

Field, William
Kennedy, Richard
Ryan, Jim
Whiting, Herbert

French, Barbara
Osborne, Jessie
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Flockhart, Eileen
Katsakiores, Phyllis
Powers, James
Splaine, James
Welch, David

Asselin, Michael
Casey, Kimberley
Garritty, James
Manning, John
Rolston, James
Stiles, Nancy
Wells, Roger

Blanchard, MaryAnn
Coburn, James
Gilbert, Karl
Mason, April
Scamman, Stella
Stone, Joseph

Buxton, Donald
DiFruscia, Anthony
Gould, Kenneth
Norelli, Terie
Serlin, Christopher
Weare, E Albert

STRAFFORD

Berube, Roger
Cilley, Jacalyn

Bickford, David
Goodwin, Earle

Brown, Jennifer
Grassie, Anne

Campbell, W Packy
Hilliard, Dana

Hofemann, Roland
Miller, Joseph
Smith, Marjorie

Johnson, Nancy
Rollo, Michael
Snyder, Clair

Keans, Sandra
Rous, Emma
Spang, Judith

Knowles, William
Schmidt, Peter
Taylor, Kathleen

SULLIVAN

Cloutier, John
Jillette, Arthur Jr

Donovan, Thomas
Phinizy, James

Franklin, Peter

Houde-Quimby, Charlotte

and the committee report was adopted.

CACR 3, relating to state income tax revenue. Providing that all state income tax revenue shall be dedicated to the funding of public education. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Ways and Means: The sponsor of this CACR acknowledged that he is a proponent of an income tax and this amendment is intended to make such a tax more palatable to the general public. In other words, if an income tax were limited to funding public education, people might be more willing to accept it. The sponsor, under questioning, further acknowledged that should an income tax pass in the wake of this amendment and should a future legislature decide the tax should be applied to things other than education an effort could be made to repeal the amendment. The majority of the committee holds our Constitution sacred and does not believe the amendment process should be used as a referendum or to push interests on any particular issue. Rather, our constitution is the basic law of the state and its formulations should stand the test of time. We should not change it today with the thought of removing the change tomorrow. The committee respects the sponsor's devotion to education funding but is convinced that funding in all areas of government is essential. If a future majority ever deems it wise to move for the implementation of an income tax, the committee believes a legislature should not be hamstrung by the Constitution to use that tax for any particular purpose. Vote 17-2.

Rep. Timothy Robertson spoke against and yielded to questions.

Rep. Vaillancourt spoke in favor.

Committee report adopted.

CACR 4, relating to taxation. Providing that a 3/5 vote is required to pass a new tax or to increase a tax after it is levied. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Shawn N. Jasper for the Majority of Ways and Means: The majority of the committee believes that the "one man one vote" rule should apply to the taxation policy of the state. Recommending a constitutional amendment such as this is tantamount to saying that we do not trust ourselves to be responsible with our tax policy. No evidence was presented which would show that the legislature has been reckless in setting tax rates. Quite to the contrary, evidence shows that New Hampshire has the lowest per capita taxes of any state, with the exception of Alaska, which pays royalties to its citizens from the sale of oil. Vote 16-3.

Rep. Kevin L. Camm for the Minority Ways and Means: This CACR, if ratified, would require 3/5 approval by members of the house and senate present and voting to institute or raise any tax, tariff or fee. This is a component of the taxpayer's bill of rights initiative (TABOR). Since the ability to tax is the ability to extract our hard earned money, the minority believes that the citizens should have the opportunity to require the legislature to do so by super majority.

The question being adoption of the majority committee report.

Rep. Camm spoke against.

Rep. Jasper spoke in favor and yielded to questions.

Rep. Camm requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 286 NAYS 65

YEAS 286

BELKNAP

Allen, Janet
Heald, Bruce
Pilliod, James
Whalley, Michael

Clark, Charles
Milham, Alida
Thomas, John

Fitzgerald, James
Morrison, Gail
Tilton, Franklin

Flanders, Donald
Nedeau, Stephen
Tobin, William

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry

Brown, Carolyn
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Stevens, Stanley

CHESHIRE

Allen, Peter
Dexter, Judson
Espiefs, Peter
Parkhurst, Henry
Roberts, Kris

Butcher, Suzanne
Dunn, J Timothy
Hogancamp, Deborah
Plifka Jr, Stanley
Robertson, Timothy

Butynski, William
Eaton, Daniel
Hunt, John
Pratt, John
Sinclair, Stephanie

Chase, William
Emerson, Susan
Mitchell, Bonnie
Richardson, Barbara
Tilton, Anna

COOS

Buzzell, Bernard
Merrick, Scott
Stohl, Eric

King, Frederick
Morneau, Renney
Theberge, Robert

Lary, Bruce
Remick, William
Tholl, John Jr

Mears, Edgar
Richardson, Herbert

GRAFTON

Almy, Susan
Cooney, Mary
Ham, Bonnie
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Dorsett, Andrew
Hammond, Lee
Naro, Debra
Sorg, Gregory

Benn, Bernard
Eaton, Stephanie
Harding, A Laurie
Nordgren, Sharon
Ward, John

Bleyler, Ruth
Gionet, Edmond
McLeod, Martha
Sokol, Hilda
Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey
Beaulieu, Jane
Brundige, Robert
Carlson, Donald
Clemons, Jane
Daniuk, Caitlin
Dyer, Donald
Emerton, Larry
Garrity, Patrick
Gonzalez, Carlos
Hebert, Raymond
Infantine, William
L'Heureux, Robert
Martin, Mary Ellen
Moran, Edward
Ober, Lynne
Reeves, Sandra
Ryder, Donald
Shaw, Kimberly
Vaillancourt, Steve

Allan, Nelson
Bergeron, Jean-Guy
Calawa, Leon Jr
Carter, Mark
Cote, David
Desmarais, Vivian
Egbers, Fran
Essex, David
Ginsburg, Ruth
Gorman, Mary
Hellwig, Steve
Jasper, Shawn
Lasky, Bette
Matarazzo, Anthony Sr
Movsesian, Lori
Pappas, Christopher
Renzullo, Andrew
Scanlon, Michael
Smith, David
Villeneuve, Maurice

Baines, Stephen
Bergin, Peter
Campbell, David
Chabot, Robert
Coughlin, Pamela
Dokmo, Cynthia
Elliott, Larry
Foster, Linda
Golding, William
Graham, John
Holden, Randolph
Kelly, Eugene Jr
Lefebvre, Roland
Michon, Stephen
O'Brien, William
Pilotte, Maurice
Rochette, Eric
Schulze, Joan
Sullivan, Francis
Wheeler, Robert

Baroody, Benjamin
Brassard, Paul
Carew, James
Chase, Claudia
Craig, James
Drisko, Richard
Elliott, Nancy
Gargas, Carolyn
Goley, Jeffrey
Harvey, Suzanne
Hunter, Bruce
Kopka, Angeline
Manney, Pamela
Mooney, Maureen
O'Connell, Timothy
Price, Pamela
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Hamm, Christine
MacKay, James
Reardon, Tara
Tilton, Joy
Williams, Robert

Blanchard, Elizabeth
Currier, David
Gile, Mary
Hess, David
Oliver, James
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Kidder, David
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin

Allen, Mary
Blanchard, MaryAnn

Asselin, Michael
Bridle, Russell

Belanger, Ronald
Buxton, Donald

Cali-Pitts, Jacqueline
 Coburn, James
 Dowd, John
 Flockhart, Eileen
 Gillick, Thomas
 Ingram, Russell
 Langley, Jane
 McKinney, Betsy
 Nowe, Ronald
 Powers, James
 Rolston, James
 Splaine, James
 Weare, E Albert
 Winchell, George

Carson, Sharon
 Cooney, Richard
 Doyle, Christopher
 Forsing, Robert
 Gould, Kenneth
 Katsakiores, George
 Major, Norman
 McMahon, Charles
 O'Neil, Michael
 Putnam, Ed II
 Sanders, Elisabeth
 Stiles, Nancy
 Weldy, Norman
 Zolla, William

Casey, Kimberley
 Dalrymple, Janeen
 Fesh, Bob
 Francoeur, Sheila
 Griffin, Mary
 Katsakiores, Phyllis
 Manning, John
 Morris, Richard
 Packard, Sherman
 Rausch, James
 Scamman, Stella
 Stone, Joseph
 Wells, Roger

Charron, Gene
 DiFruscia, Anthony
 Flanders, John Sr
 Garrity, James
 Headd, James
 Kobel, Rudolph
 Mason, April
 Norelli, Terie
 Parker, Benjamin
 Robertson, Carl
 Serlin, Christopher
 Waterhouse, Kevin
 Wiley, Robert

STRAFFORD

Albert, Russell
 Brown, Julie
 Dunlap, Patricia
 Hilliard, Dana
 Keans, Sandra
 Rous, Emma
 Taylor, Kathleen

Berube, Roger
 Cataldo, Sam
 Goodwin, Earle
 Hofemann, Roland
 Knowles, William
 Schmidt, Peter
 Twombly, James

Bickford, David
 Cilley, Jacalyn
 Grassie, Anne
 Johnson, Nancy
 Miller, Joseph
 Smith, Marjorie
 Wall, Janet

Brown, Jennifer
 Creteau, Irene
 Heon, Richard
 Kaen, Naida
 Rollo, Michael
 Snyder, Clair

SULLIVAN

Cloutier, John
 Franklin, Peter
 Jillette, Arthur Jr

Converse, Larry
 Gale, Harry
 Phinizz, James

Donovan, Thomas
 Houde-Quimby, Charlotte
 Prichard, Stephen

Ferland, Brenda
 Irish, Christopher
 Rodeschin, Beverly

NAYS 65

BELKNAP

Boyce, Laurie

Rosen, Ralph

Wendelboe, Fran

CARROLL

Babson, David Jr

CHESHIRE

Sawyer, Sheldon

COOS

None

GRAFTON

Alger, John
 Maybeck, Margie

Barker, Robert
 Mirski, Paul

Giuda, Robert

Ingretson, Paul

HILLSBOROUGH

Adams, Jarvis IV
 Biundo, Michael
 Crane, Elenore Casey
 Hagan, Barbara
 Kurk, Neal
 Rowe, Robert
 Tahir, Saghir

Balboni, Michael
 Buhlman, David
 Francoeur, Bea
 Hansen, Ryan
 McRae, Karen
 Slocum, Lee
 Ulery, Jordan

Barry, J Gail
 Christiansen, Lars
 Gibson, John
 Hinkle, Peyton
 Mead, Robert
 Souza, Kathleen
 Wheeler, James

Batula, Peter
 Clark, Mark
 Goyette, Peter Jr
 Hirschmann, Keith
 Pepino, Leo
 Stepanek, Stephen

MERRIMACK

Field, William
 Soltani, Tony

Kennedy, Richard
 Whiting, Herbert

Langlais, Thomas

Marple, Richard

ROCKINGHAM

Bettencourt, David
 Dumaine, Dudley
 Itse, Daniel
 Quandt, Marshall Lee
 Weyler, Kenneth

Camm, Kevin
 Gilbert, Karl
 Johnson, Robert
 Quandt, Matthew

Dodge, Robert
 Hopfgarten, Paul
 Johnson, Rogers
 Smith, Paul

Donahue, Richard Ken
 Introne, Robert
 Lund, Howie
 Welch, David

STRAFFORD

Campbell, W Packy

Chaplin, Duncan

Easson, Timothy

Newton, Clifford

SULLIVAN

None

and the majority committee report was adopted.

CACR 9, relating to taxation. Providing that a 2/3 vote is required to pass a new tax or to increase a tax after it is levied and that the maximum increase in any budget bill shall be limited by the rates of inflation and population growth. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peyton B. Hinkle for the Majority of Ways and Means: The committee was told by the sponsor that the 2/3 vote is to be based on the total number of representatives. Thus, the number of representatives absent on the day a vote was taken, on a new tax or increase in the budget, would automatically represent a no vote. As a result, the requirement would be greater than 2/3 vote of those attending. This would make it even more difficult for the house to make changes as might be needed by circumstances. Setting the spending limit to the rates of inflation and population growth can easily be viewed as a standard. It makes it easier to justify an increase as long as it remains within the rate increases. Connecting any increases in spending to inflation could create another problem. A big increase in inflation would justify a corresponding increase in spending. At the same time, the increase in inflation would tend to depress business and state revenues, requiring a larger increase in taxes and creating an even bigger burden on businesses. Vote 17-2. Rep. John M. Gibson for the Minority Ways and Means: Since 1995 New Hampshire has witnessed a near doubling of state spending while population has increased by a factor of less than 12 percent. This legislation is a much needed tool in protecting the New Hampshire Advantage by getting state spending under control and requiring a super majority in passage of new taxes.

The question being adoption of the majority committee report.

Rep. Gibson spoke against.

Rep. Hinkle spoke in favor.

Rep. Gibson requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 298 NAYS 53**YEAS 298****BELKNAP**

Allen, Janet
 Flanders, Donald
 Nedeau, Stephen
 Tobin, William

Boyce, Laurie
 Heald, Bruce
 Pilliod, James
 Whalley, Michael

Clark, Charles
 Millham, Alida
 Thomas, John

Fitzgerald, James
 Morrison, Gail
 Tilton, Franklin

CARROLL

Ahlgren, Christopher
 Chandler, Gene
 McConkey, Mark
 Stevens, Stanley

Babson, David Jr
 Dickinson, Howard
 Merrow, Harry

Brown, Carolyn
 Knox, J David
 Olimpio, J Lisbeth

Buco, Thomas
 Martin, James
 Patten, Betsey

CHESHIRE

Allen, Peter
 Dexter, Judson

Butcher, Suzanne
 Dunn, J Timothy

Butynski, William
 Eaton, Daniel

Chase, William
 Emerson, Susan

Espiefs, Peter
Parkhurst, Henry
Roberts, Kris
Tilton, Anna

Hogancamp, Deborah
Plifka Jr, Stanley
Robertson, Timothy

Hunt, John
Pratt, John
Sawyer, Sheldon

Mitchell, Bonnie
Richardson, Barbara
Sinclair, Stephanie

COOS

Buzzell, Bernard
Merrick, Scott
Theberge, Robert

King, Frederick
Remick, William
Tholl, John Jr

Lary, Bruce
Richardson, Herbert

Mears, Edgar
Stohl, Eric

GRAFTON

Alger, John
Benn, Bernard
Eaton, Stephanie
Harding, A Laurie
Naro, Debra
Sorg, Gregory

Almy, Susan
Bleyler, Ruth
Gionet, Edmond
McLeod, Martha
Nordgren, Sharon
Ward, John

Andersen, Gene
Cooney, Mary
Ham, Bonnie
Mirski, Paul
Sokol, Hilda
Williams, Burton

Barker, Robert
Dorsett, Andrew
Hammond, Lee
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Aboshar, Jeffrey
Bergin, Peter
Campbell, David
Chabot, Robert
Cote, David
Desmarais, Vivian
Egbers, Fran
Essex, David
Ginsburg, Ruth
Graham, John
Hebert, Raymond
Hunter, Bruce
Kopka, Angeline
Lefebvre, Roland
Michon, Stephen
O'Connell, Timothy
Pilotte, Maurice
Rochette, Eric
Scanlon, Michael
Smith, David
Vaillancourt, Steve

Baines, Stephen
Brassard, Paul
Carew, James
Chase, Claudia
Coughlin, Pamela
Dokmo, Cynthia
Elliott, Larry
Foster, Linda
Golding, William
Hansen, Ryan
Hellwig, Steve
Infantine, William
Kurk, Neal
Manney, Pamela
Moran, Edward
Ober, Lynne
Price, Pamela
Rosenwald, Cindy
Schulze, Joan
Sullivan, Francis
Villeneuve, Maurice

Baroody, Benjamin
Brundige, Robert
Carlson, Donald
Christensen, D L Chris
Craig, James
Drisko, Richard
Elliott, Nancy
Gargasz, Carolyn
Goley, Jeffrey
Harvey, Suzanne
Hinkle, Peyton
Jasper, Shawn
L'Heureux, Robert
Martin, Mary Ellen
Movsesian, Lori
Pappas, Christopher
Reeves, Sandra
Ross, Lawrence
Shaw, Barbara
Sullivan, Peter
Wheeler, Robert

Beaulieu, Jane
Calawa, Leon Jr
Carter, Mark
Clemmons, Jane
Daniuk, Caitlin
Dyer, Donald
Emerton, Larry
Garrity, Patrick
Gorman, Mary
Hawkins, Ken
Holden, Randolph
Kelly, Eugene Jr
Lasky, Bette
Matarazzo, Anthony Sr
O'Brien, William
Pepino, Leo
Renzullo, Andrew
Ryder, Donald
Shaw, Kimberly
Tahir, Saghir

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Hamm, Christine
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Blanchard, Elizabeth
Currier, David
Gile, Mary
Hess, David
MacKay, James
Reardon, Tara
Tilton, Joy
Whiting, Herbert

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Kidder, David
Oliver, James
Rush, Deanna
Tupper, Frank
Williams, Robert

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
Langlais, Thomas
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn
Carson, Sharon
Dalrymple, Janeen
Fesh, Bob

Allen, Mary
Bridle, Russell
Casey, Kimberley
DiFruscia, Anthony
Flanders, John Sr

Asselin, Michael
Buxton, Donald
Charron, Gene
Dowd, John
Flockhart, Eileen

Belanger, Ronald
Cali-Pitts, Jacqueline
Coburn, James
Doyle, Christopher
Forsing, Robert

Francoeur, Sheila
Gould, Kenneth
Johnson, Robert
Langley, Jane
McMahon, Charles
O'Neil, Michael
Putnam, Ed II
Sanders, Elisabeth
Stiles, Nancy
Welch, David
Winchell, George

Garrity, James
Griffin, Mary
Katsakiores, George
Major, Norman
Morris, Richard
Packard, Sherman
Rausch, James
Scamman, Stella
Stone, Joseph
Weldy, Norman
Zolla, William

Gilbert, Karl
Headd, James
Katsakiores, Phyllis
Manning, John
Norelli, Terie
Parker, Benjamin
Robertson, Carl
Serlin, Christopher
Waterhouse, Kevin
Wells, Roger

Gillick, Thomas
Ingram, Russell
Kobel, Rudolph
Mason, April
Nowe, Ronald
Powers, James
Rolston, James
Splaine, James
Weare, E Albert
Wiley, Robert

STRAFFORD

Albert, Russell
Brown, Julie
Creteau, Irene
Heon, Richard
Kaen, Naïda
Rollo, Michael
Snyder, Clair
Wall, Janet

Berube, Roger
Campbell, W Packy
Dunlap, Patricia
Hilliard, Dana
Keans, Sandra
Rous, Emma
Spang, Judith

Bickford, David
Cataldo, Sam
Goodwin, Earle
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Twombly, James

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Houde-Quimby, Charlotte
Prichard, Stephen

Donovan, Thomas
Irish, Christopher
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

NAYS 53

BELKNAP

Rosen, Ralph

Wendelboe, Fran

None

CARROLL

None

CHESHIRE

COOS

Morneau, Renney

GRAFTON

Giuda, Robert

Ingbretson, Paul

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Christiansen, Lars
Gibson, John
Hirschmann, Keith
Rowe, Robert
Ulery, Jordan

Allan, Nelson
Bergeron, Jean-Guy
Clark, Mark
Gonzalez, Carlos
McRae, Karen
Slocum, Lee
Wheeler, James

Balboni, Michael
Biundo, Michael
Crane, Elenore Casey
Goyette, Peter Jr
Mead, Robert
Souza, Kathleen

Barry, J Gail
Buhlman, David
Francoeur, Bea
Hagan, Barbara
Mooney, Maureen
Stepanek, Stephen

MERRIMACK

Field, William

Kennedy, Richard

Marple, Richard

Soltani, Tony

ROCKINGHAM

Bettencourt, David
Dumaine, Dudley
Johnson, Rogers
Smith, Paul

Camm, Kevin
Hopfgarten, Paul
Lund, Howie
Weyler, Kenneth

Dodge, Robert
Introne, Robert
Quandt, Marshall Lee

Donahue, Richard Ken
Itse, Daniel
Quandt, Matthew

STRAFFORD

Chaplin, Duncan

Easson, Timothy

Newton, Clifford

SULLIVAN

None

and the majority committee report was adopted.

BILLS REMOVED FROM CONSENT CALENDAR**HB 35, relative to bank reserve and lending procedures. INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: This bill would require that all state chartered banks maintain 100% reserves for all loans which means that for every dollar deposited in the bank, the bank would have to keep on hand that dollar. Therefore the only money available to loan would be the money invested by the stockholders. This would have a number of consequences. First, depositors would not be able to be paid interest on their deposits. Second, depositors for both savings and checking accounts would see their fees increase dramatically. Third, the banks would be forced to call in for immediate payment most of their mortgages, car loans, personal loans, business loans, etc. This legislation would not impact any of the federally chartered banks such as Bank of America, Citizens Bank of New Hampshire, Ocean National Bank, etc. The committee heard additional testimony that all state chartered banks would have to convert to federally chartered banks or go out of business. The committee heard no credible evidence as to any advantage to be gained for New Hampshire citizens. Vote 21-0.

Rep. Marple spoke against.

Rep. Sheila Francoeur spoke in favor.

Committee report adopted.

HB 67, prohibiting excessive overpricing of essential commodities during a declared state of emergency. INEXPEDIENT TO LEGISLATE

Rep. Stella Scamman for Commerce: The subcommittee met twice and reviewed the laws of several other states. The Attorney General's Office had received no complaints with regard to any price gouging. Only two states of emergency have been declared in the state of New Hampshire in limited areas since 1998, an ice storm in the higher elevations in 1998, and flooding in the western part. The Attorney General stated that New Hampshire businesses generally do not face such problems with respect to price gouging. Vote 18-3.

Rep. Osborne spoke against.

Rep. Charles Clark spoke in favor.

On a division vote, 241 members having voted in the affirmative and 90 in the negative, the committee report was adopted.

HB 154, relative to changes of party registration on primary day. OUGHT TO PASS WITH AMENDMENT

Rep. William L. O'Brien for Election Law: Under current law, previously undeclared voters voting in a primary and thereby affiliating with a party may return to undeclared status on primary day. Previously declared voters voting in a primary have no such right. In order to address this disparity and because the choice to participate in a party's primary should signify allegiance to a party (adherence to a party's philosophy), the original bill that would allow all primary voters to change registrations on primary day was amended to provide all primary voters will remain affiliated with his or her party of choice for at least 90 days following the primary. The period of 90 days is believed appropriate because it approximately relates to the period before primaries that declared voters are not allowed to change their party registrations. Vote 16-0.

Amendment (0149h)

Amend the bill by replacing all after the enacting clause with the following:

1 Elections; Voters and Checklists; Provisions for Primary Elections; Change of Registration.
Amend RSA 654:34, II-IV to read as follows:

II. Change of registration of a voter who has been registered as an undeclared voter.

(a) Any legal voter who has been registered as an undeclared voter may register as a member of the party of the voter's choice by appearing before the supervisors of the checklist for the voter's town or ward any time they meet, except as prohibited by paragraph IV, and stating to them,

under oath or affirmation, if required, that the voter intends to affiliate with and generally supports the candidates of the party with which the voter offers to register, in which case the voter shall be registered as a member of such party.

(b) A voter may also register as a member of a party at any primary by requesting to be registered as a member and voting the ballot of the party of the voter's choice. ~~[A voter may also register once again as an undeclared voter after voting in a primary as a registered member of a party by returning the card provided for in paragraph V to the person at the polls designated by the town or city clerk to accept the card. All such cards shall be in the possession of the supervisors of the checklist at the close of the polls on election day.]~~

III. Notwithstanding any provision of paragraphs I and II to the contrary, no person who has voted in a primary may thereafter on the day of said primary change the person's party registration[; unless, prior to voting in the primary, the person was registered as an undeclared voter, in which case the person may once again register as an undeclared voter, as provided in subparagraph H(b)].

IV. No person, who is already registered to vote, whether his *or her* party membership has been previously registered or not, shall affiliate with a party or disaffiliate from a party between the first Wednesday in June and the day before the state primary election. *No person shall disaffiliate from a party during the 90 days following a state or presidential primary election.*

2 Repeal. RSA 654:34, V, relative to change of registration cards for undeclared voters, is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Eliminates the special provisions permitting undeclared voters to revert to undeclared status after voting in a primary election.

II. Requires undeclared voters to follow the same procedures for change of registration as voters whose party affiliations were declared prior to voting in the primary election.

III. Prohibits disaffiliation from a party during the 90 days following a state or presidential primary election.

Adopted.

Rep. Pratt spoke against.

Rep. O'Brien spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 197 NAYS 134

YEAS 197

BELKNAP

Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Millham, Alida	Neddeau, Stephen	Pilliod, James
Rosen, Ralph	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Eaton, Daniel	Emerson, Susan	Plifka Jr, Stanley	Sawyer, Sheldon
Sinclair, Stephanie			

COOS

King, Frederick	Morneau, Renney	Remick, William	Stohl, Eric
Tholl, John Jr			

GRAFTON

Alger, John	Dorsett, Andrew	Eaton, Stephanie	Giuda, Robert
Ingbreton, Paul	Maybeck, Margie	Mirski, Paul	Naro, Debra
Sorg, Gregory			

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Brundige, Robert	Calawa, Leon Jr	Carew, James
Chase, Claudia	Clark, Mark	Clemons, Jane	Cote, David
Coughlin, Pamela	Craig, James	Crane, Elenore Casey	Daniuk, Caitlin
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Elliott, Larry	Elliott, Nancy	Emerton, Larry	Essex, David
Foster, Linda	Francoeur, Bea	Gargas, Carolyn	Gibson, John
Golding, William	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Hansen, Ryan	Hellwig, Steve	Hinkle, Peyton	Hunter, Bruce
Infantine, William	Jasper, Shawn	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland	Manney, Pamela
Mead, Robert	Mooney, Maureen	Moran, Edward	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Slocum, Lee	Smith, David
Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Currier, David	Field, William	Hager, Elizabeth
Kennedy, Richard	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Oliver, James	Soltani, Tony	Walz, Mary Beth

ROCKINGHAM

Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bridle, Russell
Buxton, Donald	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Dodge, Robert	Donahue, Richard Ken	Dowd, John
Doyle, Christopher	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Morris, Richard	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Wiley, Robert	Zolla, William

STRAFFORD

Albert, Russell	Berube, Roger	Brown, Julie	Cataldo, Sam
Chaplin, Duncan	Creteau, Irene	Dunlap, Patricia	Easson, Timothy
Keans, Sandra	Newton, Clifford	Rollo, Michael	Twombly, James

SULLIVAN

Donovan, Thomas	Irish, Christopher	Rodeschin, Beverly
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NAYS 134**BELKNAP**

Boyce, Laurie	Morrison, Gail
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CARROLL

Buco, Thomas	Morrow, Harry
--------------	---------------

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Espies, Peter	Hunt, John
Mitchell, Bonnie	Pratt, John	Richardson, Barbara	Tilton, Anna

COOS

Buzzell, Bernard
Theberge, Robert

Mears, Edgar

Merrick, Scott

Richardson, Herbert

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Solomon, Peter

Andersen, Gene
Ham, Bonnie
Mulholland, Catherine
Ward, John

Benn, Bernard
Hammond, Lee
Nordgren, Sharon
Williams, Burton

Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Baines, Stephen
Buhman, David
Christensen, D L Chris
Ginsburg, Ruth
Harvey, Suzanne
Holden, Randolph
Michon, Stephen
Rochette, Eric
Sullivan, Peter

Baroody, Benjamin
Campbell, David
Christiansen, Lars
Goley, Jeffrey
Hawkins, Ken
Martin, Mary Ellen
Movsesian, Lori
Shaw, Barbara
Vaillancourt, Steve

Beaulieu, Jane
Carlson, Donald
Egbers, Fran
Gorman, Mary
Hebert, Raymond
Matarazzo, Anthony Sr
Pappas, Christopher
Shaw, Kimberly

Brassard, Paul
Carter, Mark
Garrity, Patrick
Hagan, Barbara
Hirschmann, Keith
McRae, Karen
Pilotte, Maurice
Sullivan, Francis

MERRIMACK

Bouchard, Candace
Foose, Robert
Hamm, Christine
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
French, Barbara
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Clarke, Claire
Gile, Mary
Potter, Frances
Shurtleff, Stephen
Whiting, Herbert

DeStefano, Stephen
Greco, Vincent
Reardon, Tara
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Garrity, James
Norelli, Terie
Serlin, Christopher

Allen, Mary
DiFruscia, Anthony
Headd, James
Parker, Benjamin
Smith, Paul

Blanchard, MaryAnn
Dumaine, Dudley
Hopfgarten, Paul
Powers, James
Winchell, George

Cali-Pitts, Jacqueline
Flockhart, Eileen
Manning, John
Robertson, Carl

STRAFFORD

Bickford, David
Hilliard, Dana
Miller, Joseph
Snyder, Clair

Campbell, W Packy
Hofemann, Roland
Rous, Emma
Spang, Judith

Grassie, Anne
Johnson, Nancy
Schmidt, Peter
Taylor, Kathleen

Heon, Richard
Kaen, Naida
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Jillette, Arthur Jr

Ferland, Brenda
Phinzy, James

Franklin, Peter
Prichard, Stephen

and the committee report was adopted.
Ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. O'Neil moved that **HB 142**, establishing a commission to study changing the local property tax abatement procedures, be made a Special Order for Tuesday, February 15, 2005 in Regular Calendar order.

Adopted.

HB 165, relative to cellular telephone use during motor vehicle operation. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: Today's youth are just as responsible as today's adults when it comes to cell phone use while operating a motor vehicle. Law enforcement would prefer that people would just drive. Today's driving public has somehow gotten the mind set that it is okay

to do anything but drive. In the past the committee has dealt with the issue by passing the negligent driving law. The new statute went into effect on January 1, 2002 and has been working. People have to start driving and that is all they should be doing as they travel on the highways. Negligent driving addresses all kinds of distractions that cause a vehicle to be driven negligently, that endangers or is likely to endanger any person or property. Based on this law the committee voted to ITL this bill. There is no need to single out one group or one distraction at this time. Vote 11-2.

Rep. Scanlon spoke against.

Rep. Ferland spoke in favor and yielded to questions.

Rep. Scanlon requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 246 NAYS 82

YEAS 246

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Allen, Peter	Chase, William	Dexter, Judson	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Hunt, John	Plifka Jr, Stanley
Pratt, John	Richardson, Barbara	Sawyer, Sheldon	Sinclair, Stephanie
Tilton, Anna			

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Morneau, Renney	Stohl, Eric	Tholl, John Jr	

GRAFTON

Alger, John	Almy, Susan	Bleyler, Ruth	Dorsett, Andrew
Eaton, Stephanie	Giuda, Robert	Ingbreton, Paul	Mulholland, Catherine
Solomon, Peter	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Baroody, Benjamin	Barry, J Gail	Batula, Peter	Bergin, Peter
Biundo, Michael	Brassard, Paul	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carlson, Donald	Carter, Mark
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Cote, David	Coughlin, Pamela	Crane, Elenore Casey	Daniuk, Caitlin
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Elliott, Larry	Elliott, Nancy	Emerton, Larry	Essex, David
Foster, Linda	Francoeur, Bea	Garrity, Patrick	Gibson, John
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Holden, Randolph	Hunter, Bruce	Jasper, Shawn	Kopka, Angeline
Lasky, Bette	Lefebvre, Roland	Mead, Robert	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Pappas, Christopher	Price, Pamela	Reeves, Sandra	Rochette, Eric

Rowe, Robert
Slocum, Lee
Sullivan, Peter
Wheeler, Robert

Ryder, Donald
Smith, David
Vaillancourt, Steve

Shaw, Barbara
Souza, Kathleen
Villeneuve, Maurice

Shaw, Kimberly
Sullivan, Francis
Wheeler, James

MERRIMACK

Anderson, Eric
Field, William
Langlais, Thomas
Oliver, James
Soltani, Tony

Bouchard, Candace
French, Barbara
Lockwood, Priscilla
Reardon, Tara
Tupper, Frank

Currier, David
Greco, Vincent
MacKay, James
Ryan, Jim
Whiting, Herbert

DeStefano, Stephen
Kennedy, Richard
Marple, Richard
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Camm, Kevin
Dodge, Robert
Fesh, Bob
Gilbert, Karl
Hopfgarten, Paul
Johnson, Robert
Kobel, Rudolph
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Sanders, Elisabeth
Stone, Joseph
Wells, Roger

Allen, Mary
Blanchard, MaryAnn
Carson, Sharon
Donahue, Richard Ken
Flanders, John Sr
Gillick, Thomas
Ingram, Russell
Johnson, Rogers
Lund, Howie
Morris, Richard
Parker, Benjamin
Rausch, James
Serlin, Christopher
Weare, E Albert
Weyler, Kenneth

Asselin, Michael
Bridle, Russell
Charron, Gene
Dowd, John
Forsing, Robert
Griffin, Mary
Introne, Robert
Katsakiores, George
Major, Norman
Nowe, Ronald
Putnam, Ed II
Robertson, Carl
Splaine, James
Welch, David
Wiley, Robert

Belanger, Ronald
Buxton, Donald
DiFruscia, Anthony
Doyle, Christopher
Francoeur, Sheila
Headd, James
Itse, Daniel
Katsakiores, Phyllis
McKinney, Betsy
O'Neil, Michael
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Weldy, Norman
Zolla, William

STRAFFORD

Albert, Russell
Chaplin, Duncan
Grassie, Anne
Johnson, Nancy
Newton, Clifford
Taylor, Kathleen

Berube, Roger
Creteau, Irene
Heon, Richard
Kaen, Naida
Rollo, Michael
Twombly, James

Bickford, David
Dunlap, Patricia
Hilliard, Dana
Keans, Sandra
Snyder, Clair
Wall, Janet

Cataldo, Sam
Easson, Timothy
Hofemann, Roland
Miller, Joseph
Spang, Judith

SULLIVAN

Cloutier, John
Irish, Christopher

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Phinizz, James

Ferland, Brenda
Rodeschin, Beverly

NAYS 82

BELKNAP

Morrison, Gail

CARROLL

Babson, David Jr

Martin, James

CHESHIRE

Butcher, Suzanne

Butynski, William

Espiefs, Peter

Mitchell, Bonnie

COOS

Remick, William

Richardson, Herbert

Theberge, Robert

GRAFTON

Andersen, Gene
Harding, A Laurie
Naro, Debra

Benn, Bernard
Maybeck, Margie
Nordgren, Sharon

Cooney, Mary
McLeod, Martha
Sokol, Hilda

Ham, Bonnie
Mirski, Paul

HILLSBOROUGH

Baines, Stephen	Beaulieu, Jane	Bergeron, Jean-Guy	Campbell, David
Chase, Claudia	Clemons, Jane	Craig, James	Egbers, Fran
Gargas, Carolyn	Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond
Infantine, William	L'Heureux, Robert	Manney, Pamela	Matarazzo, Anthony Sr
McRae, Karen	Moran, Edward	Ober, Lynne	Pilotte, Maurice
Renzullo, Andrew	Rosenwald, Cindy	Scanlon, Michael	Schulze, Joan
Stepanek, Stephen	Ulery, Jordan		

MERRIMACK

Brueggemann, Donald	Clarke, Claire	Foose, Robert	Gile, Mary
Hamm, Christine	Osborne, Jessie	Potter, Frances	Rush, Deanna
Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth	Yeaton, Charles

ROCKINGHAM

Cali-Pitts, Jacqueline	Casey, Kimberley	Coburn, James	Dumaine, Dudley
Flockhart, Eileen	Garrity, James	Gould, Kenneth	Langley, Jane
Manning, John	Norelli, Terie	Powers, James	Scamman, Stella
Smith, Paul	Waterhouse, Kevin	Winchell, George	

STRAFFORD

Brown, Julie	Campbell, W Packy	Rous, Emma	Schmidt, Peter
Smith, Marjorie			

SULLIVAN

Franklin, Peter Houde-Quimby, Charlotte Prichard, Stephen
and the committee report was adopted.

MOTION TO VACATE

Rep. Stephen L'Heureux moved that the House vacate the reference of **HB 695-FN**, requiring the university system of New Hampshire to make payments in lieu of taxes for purchased property, to the Committee on Education.

Motion adopted.

The Speaker referred **HB 695-FN**, to the Committee on Municipal and County Government.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 15, 2005 at 10:00 a.m.
Adopted.

LATE SESSION**Third reading and final passage**

HB 95, relative to delegates to state party conventions.

HB 171, relative to nicknames on ballots.

HB 33, relative to the study of state retainage practices.

HB 42, establishing a statutory joint committee to review and propose changes to state unclassified officers' salaries.

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee.

HB 181, establishing a committee to study the special account in the New Hampshire retirement system.

HB 239-FN, relative to registration of shampoo assistants by the board of barbering, cosmetology and esthetics.

HB 107, relative to the use of artificial light to view moose in Coos County.

HB 199, relative to fish and game department expenditures for marine fisheries.

HB 206, relative to alcohol education and abuse prevention and treatment programs.

HB 247, extending the law regarding receivership of care facilities for a certain length of time.

HB 269, establishing a statutory committee for the protection of human research subjects.

HB 41, relative to the right-to-know oversight commission.

HB 53, repealing a 1901 law relating to the apportionment of library funds in the town of Haverhill.

HB 84, relative to compensation of county convention members for county business.

HB 87, relative to the authority of the Carroll county public water system.

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry.

HB 40, relative to inspection dates for certain vehicles.

HB 145, relative to the healthy kids corporation.

HB 32, establishing a committee to study the feasibility of implementing the Second Chance drug rehabilitation program in the New Hampshire prison system.

HB 82, relative to political committees of political parties.

HB 58, relative to the effective date for the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program.

HB 154, relative to changes of party registration on primary day.

CONSIDERATION OF MEETING DAY

There being no rule specifying a meeting day, the Speaker offered the members the opportunity to choose the day on which House sessions would be scheduled whenever possible. On a division vote, 172 members voted in favor of Wednesday and 152 members in favor of Thursday. Session will usually be held on Wednesdays.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 5:20 p.m.

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 6

Tuesday, February 15, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, The Reverend Jared Rardin from the South Congregational Church in Concord.

Today, O God, this body, together with Governor Lynch, takes up a new chapter in an old story. There is great eagerness to find ways of funding the many needs of this state, particularly the educational needs of our children. But as with all things, there are likewise old fears: fears that funding burdens will not feel fairly distributed.

Take away our fears of coming up short. Take away our territorial priorities. Help us not only to speak, but to listen, not only on behalf of the towns we represent, but the towns we do not represent. Infuse these, your servants here today, with willing spirit to seek new answers. This is not the first time in history when Your people have looked at what was on hand and made the mistake of thinking it wasn't enough. Turn our loaves and fishes into an abundance for everyone. For in the final analysis, we are not parents and children of Derry or Manchester, Bow or Berlin. We are parents and children of New Hampshire. We are Your children and as such we remember that everything we do for our neighbor, we do for You. Amen.

Rep. Paul A. Brassard led the Pledge of Allegiance.

The National Anthem was sung by Carly Champagne, an eighth grade student at Mountain View Middle School in Goffstown and stepdaughter of Rep. Stephen A. Baines.

LEAVES OF ABSENCE

Reps. Janet Allen, Callaghan, Cilley, Ferland, Foote, Headd, Keans, McRae, Palangas and Plifka, the day, illness.

Reps. Asselin, Bishop, Richard Cooney, Daniuk, Domingo, Stephanie Eaton, Donald Flanders, Gonzales, Bonnie Ham, Hebert, Hilliard, Hollinger, Irish, Irwin, Paula Johnson, Kelly, Klose, Manning, Mary Ellen Martin, Maybeck, Michon, Phinizy, Russell, Scanlon, Serlin, Tahir and Tholl, the day, important business.

Reps. Mark Clark, Gile, Hutchinson and Jean, the day, illness in the family.

INTRODUCTION OF GUESTS

Martin Bradie, guest of Rep. Gale. MaryAnn Baines, Al and Diane Baines, mother and grandparents of the day's singer, guests of the House. Participants in the Vesta Roy Excellence in Public Service Series, guests of Reps. Sheila Francoeur and Patten. Michael Swartz, guest of Rep. Langley. Debra Blore and Ann Heffernon, guests of Rep. Daniel Eaton.

RESOLUTION

Reps. O'Neil and Craig offered the following:

RESOLVED, that the House inform the honorable Senate it is ready to meet in Joint Convention for the purpose of hearing the Budget Address given by His Excellency, Governor John H. Lynch. Adopted.

SENATE MESSAGE

The Senate is now ready to meet with the honorable House of Representatives in Joint Convention for the purpose of hearing the Budget Address given by His Excellency, Governor John H. Lynch.

JOINT CONVENTION

(Speaker Scamman presiding)

The Sergeant-at-Arms introduced the Honorable Senate and Senate President, Thomas R. Eaton from Keene.

INTRODUCTION OF SPECIAL GUESTS

The Sergeant-at-Arms introduced Associate Justices of the Supreme Court and Chief Justice of the Supreme Court, Hon. John T. Broderick, Jr.

His Excellency, Governor John Lynch, addressed the Joint Convention.

Mr. Speaker, Mr. Senate President, Mr. Chief Justice, Honorable members of the House, Senate, Supreme Court, and Governor's Council, and my fellow citizens:

I promised the people of New Hampshire an honest and balanced budget that reflects our values and priorities. I promised not bigger government, but better government. The budget I present today keeps those promises. This budget is balanced. It is honest, fiscally conservative and responsible. I've said you can keep an eye on the bottom line and still look out for people. That is just what this budget does.

As you all know, we faced a large challenge. The loss of \$185 million in federal revenues. The loss of \$28 million in revenue from changes in the federal estate tax. Millions in regular maintenance costs were deferred during the last biennium—basic equipment, including snowplows and computers, was not replaced. We met this challenge by making tough choices and demanding accountability for every tax dollar. We zero-based state agency budgets—requiring agencies to justify every dollar they spend. We cut more than \$70 million from agency budget requests. We eliminated more than 150 vacant positions, but not front-line employees who directly serve our citizens. I made hard choices so we could invest in our priorities as a state. I made cuts and I made investments to improve efficiency and effectiveness—putting the needs of our citizens first.

This budget does not include a host of new programs. Instead I focused on making sure we are meeting our existing priorities and commitments. The growth in general fund spending in this budget is largely driven by non-discretionary spending including a 28 percent increase in state employees' health insurance costs; an increase in meals and rooms distribution to communities; and an increase in catastrophic and building aid to schools, which were not adequately funded in the last biennium.

This budget is helped by a growing economy. The revenue estimates in this budget are prudent and realistic, reflecting that revenues will be higher than first estimated last fall. Through zero-based budgeting, we identified a number of ways we could make state government work more effectively. For example: the Department of Resources and Economic Development had two separate marketing divisions—one for state parks and one for travel and tourism. We directed the department to combine those divisions and invest the savings in marketing our state. Another agency requested a \$500,000 database to track information that could just as easily be tracked on a spreadsheet. We cut that \$500,000 from their budget.

At the Department of Revenue Administration, we invested in auditors to investigate fraud and abuse, which will help increase revenues. As a state we own millions of dollars worth of surplus property, but we do not have a good system for tracking it. Do you all know that the state is the proud owner of a condo complex in Conway? This budget adds a real estate manager position to assess what we own, and sell those properties that we don't need and those properties we shouldn't own.

The rising cost of energy is one of the biggest cost drivers for state government. This budget funds the position of state energy manager to track all state energy costs, lower energy use, and save our taxpayers money.

Zero-based budgeting is an ongoing exercise because protecting taxpayer dollars is an ongoing responsibility, and we must continue to look for better ways to improve services and operate more efficiently to make the best use of every taxpayer dollar.

We've made smart choices with this budget. As a result, we can make some smart investments—in our economy, in our environment, and in our people. We know that business, not state government, creates jobs. But we also know that when the state partners wisely with the private sector we can grow our economy and attract good-paying jobs for our citizens. This budget continues support for the Small Business Development Centers and the Industrial Research Center. It invests in the International Trade Resource Center to help our businesses sell their products and services to countries around the world. We know that investing in tourism pays off, generating jobs for our people, and revenues for our businesses and for our government. That is why this budget increases funding for tourism advertising by \$100,000. And later this week, I will be announcing a new public-private partnership to help attract and create new jobs for New Hampshire.

A quality and safe transportation system is essential to our economic development. This budget includes the state match required to obtain all possible federal highway aid. It will help remove more bridges from the Red List and it supports critical projects to facilitate the widening of Interstate 93. Our state's beautiful natural environment is part of why we all love and live in New Hampshire. It is also one of our state's most important economic assets. New Hampshire's Land and Community Heritage Investment Program helps protect the natural and historic landmarks that make

New Hampshire special. Bringing together state, local and private resources, LCHIP is also a wonderful example of what we can accomplish working together. This budget provides \$4 million for LCHIP in 2006 and fully funds LCHIP at \$6 million in 2007.

One of the most important things we can do for our economy and our families is to invest in education. The demands of a changing economy require a highly skilled and educated workforce. Most new jobs require a college education. We must take steps to make college more affordable for our children and for families. With this budget, the University System has committed to keeping tuition increases low, and the community technical college system has committed to no tuition increases for the next two years. And I am proud to say that with this budget, for the very first time, New Hampshire students who receive the maximum Pell Grant will be able to attend UNH, Plymouth or Keene for no additional tuition cost in their first year.

We value our good schools, and we recognize as a state we have a responsibility to make sure our children receive a quality education. To do that, we must keep our promises to our communities and our children, and demand accountability. Last year, New Hampshire only funded 70 percent of its commitment to communities for special education students. This budget increases that aid by more than 50 percent over the next two years. This budget also increases building aid by \$11 million and funds student assessment tests.

This budget also funds a fair and lasting solution to school funding. I am proud that I have been joined by a bipartisan group of legislators – Deputy Speaker Ken Weyler, Rep. Liz Hager, Rep. Jim Craig, Rep. Sharon Nordgren, Sen. Bob Odell, Sen. John Gallus, Sen. Lou D’Allesandro, and Sen. Joe Foster – to present to you a new school funding plan. This bipartisan proposal meets our responsibility to ensure every child the opportunity for a quality education. It gives more aid to communities with the greatest need, provides stability and predictability, and allows us to at last focus on quality and accountability. And this plan eliminates the statewide property tax and donor towns once and for all.

The sponsors of this proposal have put partisanship aside to focus on what is best for our children and what is best for our state. As this plan moves through the legislature, I recognize there will be other ideas and I welcome an open and honest discussion. We all agree that it doesn’t matter who gets the credit. What matters is that we get it done. We have a responsibility to put in place a lasting school funding solution – and I ask you to join with us. We can and we must solve school funding this year.

To pay for education and for eliminating the statewide property tax, this budget includes a 28-cent increase in the tobacco tax. New Hampshire has never dedicated the revenue we need to responsibly grow state aid to education year to year. That is why this budget dedicates the revenue from the tobacco tax increase to the Education Trust Fund. This will help ensure that we have the revenues in place to meet our responsibility for education now and into the future. This proposal keeps the rate of our tobacco tax well below those of our neighboring states. It also allows us to accomplish an important public health goal – reducing the number of children who start smoking. I ask you to join me in supporting this common-sense proposal.

We have a responsibility as a state to protect our most vulnerable citizens: our children, our seniors, people with disabilities. That is our moral obligation. But there is an economic justification too – we all pay when the basic needs of our citizens are unmet. That is why this budget preserves and strengthens our commitment to those with the greatest needs.

Many of our seniors live on fixed incomes, struggling to make ends meet. We must do what we can to help them live their lives with dignity. That is why this budget funds Meals on Wheels, wheelchair van transportation, and gives more seniors the option to stay in their own homes and stay in their communities. People with disabilities should be given the opportunity to live their lives to the fullest. This budget cuts in half the waiting list for people with developmental disabilities.

Children with access to quality health care do better in school and better later on in life. As a state, we’ve recognized that investing in children’s health insurance is not just the right thing to do, it’s the smart thing to do. New Hampshire’s Healthy Kids Children’s Health Insurance Program is a unique public-private partnership – hailed as a national model. This budget invests in Healthy Kids and will allow us to provide health insurance to another 6,000 New Hampshire children.

With a growing and aging population, the demand on our Medicaid system is also growing. We must reform Medicaid to meet those demands, but thoughtfully, with full public involvement. My office has held three public conversations with our community partners and our citizens about their ideas for improving Medicaid. We must now take those ideas, along with the work done by the

staff of the Department of Health and Human Services, and develop new initiatives that make sense for our citizens. We should reform Medicaid, but we must take the time to do it right and to make sure it's right for New Hampshire. That is what I am committed to doing.

Our veterans sacrificed for all of us and we owe them a debt of gratitude. New veterans are now returning home from service in Iraq and Afghanistan, and I ask you to join with me in thanking them. This budget allows us to hire the staff necessary to open the new wing of the Veterans Home and to add a new staff member at the Veterans Council to help the veterans get the services they need.

The most fundamental duty of state government is to protect the safety of our citizens. In recent years, we've seen a reduction in the number of state troopers. At the same time, the number of fatal accidents is increasing. I've heard too many reports of insufficient backup for local police departments and large stretches of our highways with no trooper on duty. That's not safe for our troopers or for our citizens. That is why I've asked the Department of Safety to re-allocate its resources to strengthen our state police force, restoring 14 trooper positions by the end of the biennium.

As I travel across New Hampshire, I hear from the citizens of our great state a new sense optimism that together we can and we will address the challenges facing our state, from the budget to education funding to reducing health care costs. I've seen that same sense of optimism right here in this building.

I thank you so much for your willingness to work with me, and I look forward to continuing to work with you to make real progress for our state. Working together, Democrats and Republicans, we will enact an honest and balanced budget – a budget that invests in our future and a budget that puts the needs of our people first. Thank you.

Sen. Clegg and Rep. O'Neil moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE SESSION

(Speaker Scamman in the Chair)

The Speaker reconvened the House session.

REMARKS

Rep. Weyler moved that the Speaker's remarks in remembrance of the Honorable Susan McLane and the Honorable Channing Brown be printed in the Permanent Journal.

Adopted.

Speaker Scamman: Over the past few days we have been saddened with the passing of two former long-time legislators and friends, Susan McLane of Concord and Channing Brown of Lebanon. Without question, these were two of the most influential legislators of our time. While you may not have always agreed with Susan and Channing on all issues, you always respected each of them as dedicated lawmakers who were passionate about their beliefs, and who cared deeply about the people of this state.

Channing Brown became a close personal friend over the years that we served together. Channing, his wife Barbara, and Stella and I would often vacation together. As many legislators do, we would both frequently stay in Concord during the busy House session and we often spent many hours together debating and discussing issues over a friendly game of cards. You always knew where Representative Brown stood on the issues – there was never any question with Channing. He was well-informed on the issues and always had the best interests of his constituents in mind. He was an extremely talented individual who chose to stay in his home town and raise his family after graduating from Lebanon High School and the University of New Hampshire. He easily could have left the state and brought his talents elsewhere, but he chose to dedicate his life to the people of New Hampshire, both through his service as Mayor of Lebanon and as a member of this body.

State Senator Susan McLane began her career as a legislator in this House. She and I were freshmen together and also good friends. She was a champion of tax reform and helped to reform the mental health care system in New Hampshire. Susan was a champion of the underprivileged. Through her dedicated service, she helped pave the way for women to take an active role in the New Hampshire legislature. In 1970, there were only 68 women serving in this House. Today there are 125. Susan McLane was a pioneer who led the way for others. She, too, became a close friend over the years – someone whom you could count on for a lively, yet respectful, debate.

We will miss Channing Brown and Susan McLane. They both left us as they served – with dignity. As Speaker, I would like to extend our heartfelt condolences to their spouses, Barbara Brown and Malcom McLane, and also to their families in their time of sorrow. Will you please join me for a moment of silence for these two respected New Hampshire citizens who did so much to help make this the great state that it is today. Thank you.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 136-FN, removing increased penalties for crimes substantially motivated by hostility toward the victim's religion, race, creed, sexual orientation, national origin, or sex, removed by Rep. Bicknell

HB 290-FN, relative to participation in health savings accounts, removed by Rep. Wendelboe.

HB 158, relative to the Auburn District Court, removed by Rep. Dokmo.

Consent Calendar adopted.

HB 167, relative to mail-in rebates for merchandise purchased within the state. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: Although well intentioned by the sponsor, the committee and subcommittee heard no testimony that any consumers had complained. Even the sponsor admitted there was no evidence that the consumer was not receiving rebates that were mailed in, or that the advertising did not notify consumers a mail-in rebate was required. The sole purpose of the bill was not to protect the consumer but to make it more convenient for consumers. The unintended consequences, however, would put undue costs on retailers, especially small retailers. By interfering in the manufacturer-retailer-consumer relationship, the committee heard testimony the retailers would, as is their right, refuse to participate in the rebate program and/or the manufacturer would refuse to offer the rebates in New Hampshire. There was no evidence of consumer complaints and the unintended consequences could be the loss of these money saving rebates to the New Hampshire consumer. The committee felt this bill was unnecessary. Vote 16-1.

HB 178, requiring disclosure of documents prior to a residential real estate closing. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: Ideally this is fine but not as a practical matter. More often than not changes are made and some information is not received until the very last minute before a closing. If the closing has to be delayed for three days after receipt of all the information and preparation of the documents, problems with rate lock commitments and rate increases may be created. Adequate information should be available from the lender/closing company when required. Vote 17-0.

HB 188-FN, restricting the amount of account information on credit card receipts. **INEXPEDIENT TO LEGISLATE**

Rep. Marshall Lee Quandt for Commerce: This bill prohibits sellers from printing more than the last 5 digits of the account number or the expiration date on credit card receipts. The prohibition does not apply to receipts that are handwritten or created by an imprint of the card. In 2003, the federal government passed legislation mandating that, in 2006, the electronically generated credit card receipts given to the purchaser only would have the last five credit card digits, while the business would keep a receipt that had the complete number. With the help of the bill's sponsor, a flaw was detected in this bill that should a "charge back" occur, the business that took the credit card in payment may not be able to justify the sale because of not having the full credit card number. It was felt this was a hindrance to businesses accepting credit cards. The issue of security of credit card receipts was addressed and the Attorney General's Office of Consumer Protection is providing education on this issue, as well as the New Hampshire Retailers Association, that will advise their members on better ways to protect their copies of credit card receipts. Vote 17-1.

HB 229, extending the committee to study the establishment of a farm viability program. **OUGHT TO PASS**

Rep. Burton W. Williams for Environment and Agriculture: The study of farm viability proved to be very complex. The committee traveled to four locations throughout the state holding hearings on farm viability. Many issues were discussed resulting in proposed legislation for this session. The study of farm viability was never completed. Therefore, extending this committee is necessary. Vote 18-0.

HB 153-FN, relative to the collection of debts owed to the state. OUGHT TO PASS WITH AMENDMENT

Rep. Ken Hawkins for Executive Departments and Administration: The committee heard testimony that the Attorney General's office will only go to court to collect fines, fees, etc. when they are in excess of \$10,000. In the past, state agencies could go to small claims court to recover these monies. In 2004, the Attorney General's office ruled that this could not be done anymore. This legislation enables state agencies to use a collection firm or law firm that has an approved contract with the Attorney General's office that was approved by the governor and executive council to collect monies owed. In the Department of Environmental Services alone, there is over \$160,000 overdue. Vote 19-0.

Amendment (0082h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; The State and its Government; Treasurer and Accounts; Collection of Debts Due the State. Amend RSA 6 by inserting after section 43 the following new subdivision:

Collection of Debts Due the State

6:44 Collection of Public Debts by Collection Agencies or Law Firms.

I.(a) State agencies may retain, by written contract, private collection agencies or law firms for the purpose of collecting debts owned to a state agency by any person. The department of justice shall be responsible for the collection function for all state agencies. There is established in the department of justice a separate, nonlapsing account to be known as the debt recovery fund, into which all debts collected under this section shall be deposited. The department of justice may use the account for expenses associated with managing the collection function. Annually, funds deposited in the account, after all costs have been deducted, shall be credited proportionately to the accounts for which they were collected.

(b) Unless otherwise provided for by law, the amount of the collection fee and the terms and conditions of retention shall be negotiated by the department of justice and the private collection agency or law firm, subject to governor and council approval, and the requirements of this subparagraph. The amount of the collection fee as negotiated between the department of justice and the private collection agency or law firm shall be added to the bill of costs to be paid by the debtor and shall not exceed 35 percent of the amount collected.

II. No debt may be assigned to a collection agency or law firm unless:

(a) There have been at least 3 documented attempts to notify the debtor of the existence of the debt and of the fact that the debt may be assigned to a collection agency or law firm for collection if it is not paid; and

(b) At least 30 days have elapsed from the last notice attempt.

III. Collection agencies or law firms assigned debts under this section shall have only those remedies and powers which would be available to them as assignees of private creditors. The collection agencies or law firms are likewise bound by applicable laws governing unfair collection practices.

IV. For purposes of this section, a private collection agency or law firm shall cease its efforts designed to collect the debt and inform the department of justice and the agency upon the occurrence of any of the following:

(a) Direction from the department of justice.

(b) Bankruptcy of the account debtor.

(c) Determination by the private collection agency or law firm that the debt is non-collectible.

(d) Upon order of a court having jurisdiction over the debtor in a criminal or civil matter.

V. The attorney general shall submit an annual report, on or before June 30, to the speaker of the house of representatives, the president of the senate, and the chairperson of the house standing committee on executive departments and administration, relative to collection activity under this section. The report shall include, for each account: the relevant agency; the amount to be collected; the amount collected and whether it was collected by a collection agency, law firm, or court action initiated by the department of justice; any expenses incurred; and any amount outstanding.

VI. For purposes of this section, the term "debt" shall include fines and other debts, including the fee required under subparagraph I(b) of this section.

2 New Subparagraph; Debt Recovery Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (234) the following new subparagraph:

(235) Moneys deposited in the debt recovery fund, established under RSA 6:44.

3 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill permits state agencies to retain private collection agencies or law firms to collect debts owed to the state. The bill directs the department of justice to deposit funds collected in a dedicated fund, known as the debt management fund, from which recovered funds shall be distributed annually to the appropriate agency. The bill also requires the department to submit an annual report on the collection activity to the legislature.

HB 253, exempting certified financial planners from requirements for licensure under insurance laws. **INEXPEDIENT TO LEGISLATE**

Rep. Hector M. Velez for Executive Departments and Administration: This bill exempts certified financial planners from the license requirement for insurance producers provided the person does not sell or solicit insurance or receive a commission. Based on testimony, the committee believed that a fee-only certified financial planner had to consult their client on insurance matters. At the present moment, RSA 405:44-a has language regarding requirements for those who consult or advise relating to insurance matters. The same RSA references individuals to RSA 402-J which talks about producer licensing laws as it relates to being an insurance agent or broker. Therefore, the committee came to the conclusion that certified financial planners should meet full requirement for licensure under insurance law. Vote 14-2.

HB 281, requiring certain labels on bottled water. **INEXPEDIENT TO LEGISLATE**

Rep. James B. Coburn for Executive Departments and Administration: This bill would direct the commissioner of health and human services to adopt a rule that would require all bottled water sold in New Hampshire to list on its label the amount of any fluoride or compound of fluorine contained in the water. The labeling would raise consumer awareness of a potentially hazardous material in the water. After hearing testimony and discussion, the committee felt that existing state and federal laws regulating labeling of food products and the amounts of naturally occurring and added fluorine were sufficient. Vote 16-0.

HB 259, relative to medical assistance for home care for children with severe disabilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rogers J. Johnson for Health, Human Services and Elderly Affairs: The legislature of 2004 passed legislation, which created a commission to study the medical assistance program for home care of children with severe disabilities (HC-CSD) also known as "Katie Beckett." This bill is the product of that commission. This bill will put into statute and thus protect the "Katie Beckett" program. It will also revamp the program to bring it into compliance with federal law as required. The amendment to the bill contains technical changes which do not affect the nature and purpose of the legislation. Vote 21-0.

Amendment (0187h)

Amend RSA 167:3-f as inserted by section 2 of the bill by replacing it with the following:

167:3-f Home Care for Children With Severe Disabilities; Recipient Eligibility.

I. In this section:

(a) "Active treatment program" means an aggressive, consistent implementation of specialized and generic training, treatment, health and related services directed toward:

(1) The acquisition of the behaviors necessary for the child to function with as much self-determination and independence as possible; and

(2) The prevention or slowing of deterioration of the ability to function.

(b) "Family centered community-based home care" means an organized network of integrated and coordinated services delivered at the local level which promotes normal patterns of living and which recognizes the pivotal role of families with respect to the provision of services for their children.

(c) "Cost effective" means the estimated medicaid cost of care outside an institution is no higher than the estimated medicaid cost of appropriate institutional care.

II. The purpose of family centered community-based home care shall be to support but not supplant the child's family as the primary caregiver.

III. To be eligible for medical assistance for home care of certain children with severe disabilities, the child shall, in addition to the eligibility criteria in RSA 167:3-e:

(a) Reside in a place maintained as the child's home community.

(b) Be able to receive services in the home as defined in 45 CFR 233.90(c)(1)(v)(B).

(c) Meet the program criteria as described in section 1902(e)(3) of the Social Security Act.

(d) Meet the recipient criteria of He-W 641.04, except that, pursuant to the prohibition in section 1614(f)(2)(B) of the Social Security Act, rules requiring the deeming of parental income shall not apply.

(e) Meet the following medical criteria:

(1) Is chronically ill or impaired, whose illness or disability does not require the level of care provided in an inpatient facility, but whose condition requires ongoing and regular medical monitoring and treatment; and

(2) Has a severe disability which includes at least one of the following:

(A) A developmental disability as defined in RSA 171-A:2, V.

(B) A chronic, degenerative, progressive, or life-threatening condition causing impairment of a vital organ function which requires ongoing and regular medical monitoring.

(C) A sensory impairment which is expected to continue indefinitely, including a hearing loss established by audiometry which functionally impacts the child.

(D) A mental illness, emotional disturbance or behavioral disorder which functionally impacts his or her psychosocial adjustment and the diagnosis for which is recognized by the American Psychiatric Association.

(E) An acquired childhood disease which functionally impacts the child.

(F) A genetic disorder or congenital anomaly requiring ongoing medical monitoring.

(f) Require the same degree of care that is typically provided in a hospital, psychiatric hospital, nursing facility, or intermediate care facility for the mentally retarded as specified in RSA 167:3-g.

IV. In addition to the eligibility requirements described in paragraph II, the services proposed for the child shall be:

(a) Medically appropriate, as determined by the joint medical review team in accordance with paragraphs V and VI; and

(b) Cost effective as determined by the department in accordance with RSA 167:3-e, IV.

V. The joint medical review team, upon certification by the child's physician, shall determine if it is medically appropriate, in accordance with paragraph VI, for the child to receive family centered community-based home care as opposed to institutional care.

VI. The joint medical review team shall determine that family centered community-based home care is medically appropriate if each of the following conditions are met:

(a) The care can be provided in the home without jeopardizing the medical needs of the child.

(b) Medical and psychological support services are available in the community.

(c) The child's treating physician recommends home care and certifies the safety of home placement.

(d) The child's family or guardian have expressed a willingness and desire to assume responsibility as the primary caregiver for the child in order to maintain the child at home.

(e) The family and household members have been trained to support the child's needs in the home and have the ability to be primary caregivers.

Amend RSA 167:3-g, IV(a) as inserted by section 2 of the bill by replacing it with the following:

(a) The child meets the definition of a child with a serious emotional disturbance established by Department of Health and Human Services Notice, dated May 20, 1993, 58 Federal Register 29422 (1993).

HB 321, requiring health care providers to furnish a patient with a copy of his or her medical complaint form. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This is a well intentioned bill that deals with the importance of patients' access to their medical records. The committee accepted that it is well established under professional practice acts that individuals have access to their medical records and can have copies made of those records. In addition, it is routine practice that practitioners forward copies of their records to new providers. The records would also include any letters or complaints registered by the patient. In this instance, the sponsor of this bill wanted to convey the importance of the symptomatic complaints being made part of the record. The intent was to provide a record that allows for the best patient treatment possible while protecting the provider. The committee unanimously agreed that the present system already provides the protections that this bill would require. Vote 21-0.

HB 514, establishing the New Hampshire health care quality assurance commission. **OUGHT TO PASS**
Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill establishing the New Hampshire health care quality assurance commission is one very important step, among many,

that is directed at dealing with our ever increasing crisis in the delivery of health care. The quality assurance commission is the product of the work of a highly qualified task force considering remedies for medical errors. The new quality assurance commission provides a confidential opportunity for New Hampshire hospitals professional staff to review and analyze medical errors, unexpected outcomes and potential problems. Every acute care hospital and ambulatory surgical center will be represented on the commission; each member will be responsible to educate his or her institution on the confidential findings of the commission. This provides for a carefully controlled system operating confidentially to disseminate lessons learned about medical errors to help in their eradication and reduction. This bill, endorsed by the task force on medical errors has strong support including the New Hampshire Medical Society and the New Hampshire Trial Lawyers Association. Vote 18-0.

HB 112, relative to psychiatric evaluations in competency hearings. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory M. Sorg for Judiciary: This bill addresses a perceived defect in the law governing the holding of competency hearings following a criminal defendant's commitment for treatment aimed at restoring his or her competency to stand trial. Under present law, the psychiatrist treating the patient is required to conduct the follow-up competency evaluation. This dual role creates a conflict of interest that both the mental health care professionals and the Attorney General's office wanted to eliminate. As amended, the bill requires that the psychiatrist conducting competency evaluations not be the treating psychiatrist. Vote 17-0.

Amendment (0221h)

Amend the bill by replacing all after the enacting clause with the following:

1 Competency Hearings; Psychiatric Evaluations. Amend RSA 135:17-a, III to read as follows:

III. *Except for good cause shown*, a further hearing to determine the defendant's competency shall be held no later than 12 months[~~except for good cause shown,~~] after the order committing the defendant for treatment. The hearing may be held earlier if the court is notified that the defendant has [~~regained~~] *been restored to* competency, or that there is no longer a reasonable likelihood of such restoration. Prior to the scheduled hearing, the [~~treating~~] psychiatrist *who conducted the initial competency evaluation* shall conduct a further [~~competency~~] evaluation [~~as set forth in~~] pursuant to RSA 135:17, and furnish *a copy of the report of* such evaluation to the court and the parties. *If that psychiatrist is unavailable or unable to conduct such further evaluation, the court may order that the evaluation be conducted by another qualified psychiatrist other than the treating psychiatrist.*

2 Competency Evaluations During Involuntary Commitment Period. RSA 135-C:17-a, VI is repealed and reenacted to read as follows:

VI. If the person is ordered to be involuntarily committed following proceedings pursuant to RSA 135-C or RSA 171-B, the court may, for good cause shown upon motion of the attorney general or county attorney at any time during the period of the involuntary commitment and before expiration of the limitations period applicable to the underlying criminal offense, order a further competency evaluation, to be conducted as prescribed in paragraph III.

3 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill permits a court to order a qualified psychiatrist other than the treating psychiatrist to conduct a psychiatric evaluation of a defendant for purposes of a subsequent hearing to determine competency to stand trial, if the psychiatrist who conducted the initial evaluation is unavailable.

The bill also permits the court, for good cause shown upon motion of the attorney general or county attorney at any time during the involuntary commitment period and before expiration of the limitations period applicable to the underlying offense, to order a further competency evaluation.

HB 376, establishing a statutory joint committee on legislative parking facilities. INEXPEDIENT TO LEGISLATE

Rep. Paul C. Smith for Public Works and Highways: The committee unanimously agreed that the issue in the bill is an important one, but one that is already being dealt with. In years past, several committees were established to study and determine what means could be taken with regard to the parking garage issue, and more often than not, the committee fell apart. However, due to increased staffing and business, the City of Concord and the State have come back together to work on the issue in a committee that includes members of the House, Senate, City of Concord and Adminis-

trative Services. The Public Works Committee was assured that not only is their status hopeful, but that we could potentially see a plan this legislative session. With that, the committee voted to ITL the bill because the issue is seemingly being resolved in a timely fashion. Vote 18-0.

HR 10, urging increased consideration and preservation of local authority in international trade and investment agreements. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: While the concern for state and local sovereignty is noteworthy, the committee felt that this issue is too broad in scope and too comprehensive in nature and is beyond our level of responsibility. The federal government makes treaties and sets conditions. Also the committee felt that states and localities are protected by the Eleventh Amendment and that previous decision by international bodies has no teeth in the United States. Vote 14-0.

REGULAR CALENDAR

HB 117, requiring automobile insurance to register a vehicle. **INEXPEDIENT TO LEGISLATE**
Rep. Donald H. Flanders for Commerce: This type of bill has been before the legislature on numerous occasions in the past and always defeated because our New Hampshire system has proven to be very effective. We have one of the lowest rates of uninsured motorists in the country at 9%, and our New Hampshire policy includes uninsured motorist coverage which protects everyone who purchases auto insurance for injuries sustained by someone who is uninsured. In addition to this, New Hampshire law penalizes those uninsured drivers responsible for accidents by requiring them to reimburse the injured party and carry insurance in the future or their licenses will be suspended. Simply stated, our current requirements work. Vote 12-5.

Committee report adopted.

Rep. Infantine declared a conflict of interest and did not participate.

HB 60-FN-A, relative to reimbursement of legal fees of the commissioner of the department of administrative services and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee felt that it was appropriate to reimburse the commissioner of administrative services for legal fees which he incurred as a result of his employment when the Attorney General's office could not represent him. Vote 20-0.

Amendment (0175h)

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Reimbursement of Legal Fees of the Commissioner of the Department of Administrative Services. The sum of \$16,932 is hereby appropriated for the fiscal year ending June 30, 2005, to the department of administrative services, for the purpose of reimbursing the commissioner of the department of administrative services for the legal fees he incurred in the AlphaDirections/Linda Pepin matter. These funds are in addition to any other funds appropriated to the department of administrative services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect upon its passage.

Adopted.

Rep. Wheeler yielded to questions.

Committee report adopted and ordered to third reading.

HB 71-FN-A-L, relative to funding of the school building aid program for the 2005 fiscal year and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert K. Dodge for Finance: As generally happens in the second year of each biennium, appropriations are only estimates and actions taken by town meetings and cities can exceed our estimates. Now that we have the actual amount needed, \$2,730,411.00, the committee recommends that we adjust the appropriation. Vote 21-0.

Amendment (0083h)

Amend the bill by replacing section 1 with the following:

1 School Building Aid; Fiscal Year 2005. The sum of \$2,730,411, for the fiscal year ending June 30, 2005, is hereby appropriated to the department of education for the purpose of providing full funding of all school building aid projects approved for the 2005 fiscal year. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill makes an appropriation of \$2,730,411 to the department of education for the purpose of fully funding all school building aid projects approved in the 2005 fiscal year.

Adopted.

Committee report adopted and ordered to third reading.

HB 102 FN-A, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor. **OUGHT TO PASS**

Rep. Lawrence A. Emerton. This bill will increase the personal needs allowance for all medicaid nursing home residents in NH by \$6.00 per month, from \$50.00 to \$56.00. Federal reimbursement will be 50%, counties 25% and the state 25% for \$1.50 per month. The last personal needs increase was over 5 years ago. In addition, this bill requires the commissioner of the Department of Health and Human Services to make adjustments for cost of living increases every 5 years to reflect social security increases. Vote 19-3.

Committee report adopted and ordered to third reading.

HB 240-FN, relative to psychotropic drugs and child protection. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles E. McMahon for the Majority of Health, Human Services and Elderly Affairs: This bill addresses the use of psychotropic drugs and how they are recommended to the states' school children. According to reliable governmental studies, New Hampshire, for the last six years, has led the nation on a per capita basis on the use of the drug Ritalin. The escalating use of these drugs continues to grow. It has become a major concern to the committee, especially as the testimony has been presented, that in some cases the recommended use of the drug Ritalin is done by school personnel. They do not have the background and or education in the field of medicine, they are on occasion making the recommendation that a child be put on Ritalin for behavioral issues. Any recommendations for the use of psychotropic drugs for our children must be the sole responsibility of those trained in medical care for evaluation, testing and prescribed treatment. No public school personnel without a medical degree shall suggest or recommend the use of psychotropic drugs and no public schools shall require a child to take psychotropic drugs as a condition of attending school. Public testimony indicated that these conditions have occurred and this bill will address that issue. The provisions included in this bill shall not prohibit school health professionals from recommending that a student be evaluated by an appropriate degreed health care professional nor shall it prohibit school health personnel from consulting with such degreed health practitioners with the consent of the child's parent or legal guardian. The committee, by a strong majority, felt that psychotropic drugs are good medications, but wants to ensure that only trained medical personnel are the ones making the recommendations for their use. This bill would also align with federal regulations and keep New Hampshire eligible for federal funding. Vote 17-4.

Rep. Barbara C. French for the Minority of Health, Human Services and Elderly Affairs: It is wrong and sad that school staff recommend medication such as Ritalin. However, it is not necessary to pass a law that possibly threatens the teacher, or other personnel with a lawsuit. School personnel are professionals who carry out specific duties which are regulated by licensure or certification. There are penalties for performing duties which are not included in their line of expertise. Prescribing medication is the job of a physician. Schools and staff have been adequately put on notice that recommending medication is wrong. There is a procedure now in place in which a parent can complain to the school principal, or use the complaint procedure under the New Hampshire Department of Education rules for the education of handicapped children, allowing the staff person to be dealt with appropriately.

Majority Amendment (0177h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Psychotropic Drugs and Schools. Amend RSA 200 by inserting after section 35 the following new section:

200:35-a Psychotropic Drugs and Schools.

1. Advice regarding the use of psychotropic drugs for any child is the sole responsibility of medical professionals following standard medical practice, testing, and evaluation of the child. No public school personnel shall suggest or recommend use of such medications.

II. No public school shall require a child to take psychotropic drugs as a condition of attending school.

III. The provisions of this section shall not prohibit school personnel from recommending that a child be evaluated by an appropriate health care practitioner, or prohibit school personnel from consulting with such practitioner with the consent of the child's parents or legal guardian.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits public school personnel from recommending or requiring that a child take a psychotropic medication.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 130, relative to limiting the length of involuntary commitment. **INEXPEDIENT TO LEGISLATE**
Rep. Bernard E. Buzzell for Judiciary: This bill reduces the maximum involuntary commitment from 5 years to 1 year. Testimony from state hospital administration discussed how this bill would negatively impact the mentally ill and would be detrimental to the state's ability to track those who had been committed as criminally insane. The Attorney General's office states that this measure would negatively impact their job and cause considerable hardship. Vote 16-1.
Adopted.

HB 231, establishing a commission to study issues relating to personal privacy. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gregory M. Sorg for the Majority of Judiciary: This bill would establish a commission to "study issues relating to personal privacy," and to file a report of its findings and any recommendations for proposed legislation by November 1, 2005. While the entire committee is mindful of and concerned about the erosion of privacy resulting from, among other causes, national security concerns and expanding information technology, the majority concluded that establishment of a study commission is not the proper vehicle to address the problem. The proposed scope of the commission was considered too broad and open-ended; and because privacy erosion is an on-going problem, the majority believed that a more preferable vehicle would be to form an ad hoc committee on the subject. Vote 13-6.

Rep. Bette R. Lasky for the Minority of Judiciary: The minority feels that this is an issue that is too important to simply dismiss with the ITL of this bill. This bill is likely not the appropriate vehicle to study the issues assaulting our personal privacy and we want to be able to explore other options to, in fact, study the issue as it deserves.

Majority committee report adopted.

SPECIAL ORDER

HB 142, establishing a commission to study changing the local property tax abatement procedures. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: The committee agreed that the form for an abatement may be confusing but the Board of Tax and Land Appeal entertains ideas to change forms. The committee agreed that a study commission is not necessary at this time. Vote 18-0.

Rep. Cady spoke against.

Rep. Patten spoke in favor.

Adopted.

REGULAR CALENDAR (CONT'D.)

HCR 1, urging Congress to withdraw the United States from the United Nations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kris E. Roberts for the Majority of State-Federal Relations and Veterans Affairs: This concurrent resolution requests that the United States withdraw from the United Nations and all related organizations. The right to enter or withdraw from treaties is a federal, not state, right. While it is understood that the UN has not lived up to the general goals of its founders, it has, through combined action, improved the lives of billions of people world-wide. If one has problems, those concerns should be addressed from within not from the outside. To withdraw from the UN would eliminate any chance of US input. Vote 8-6.

Rep. Russell A. Albert for the Minority of State-Federal Relations and Veterans Affairs: The responsibility of the United States as a member of the United Nations creates immense financial boundaries on the citizens of our country, even though the US provides the largest share of the burden. Many members are not friendly to the US issues and against our interests. By dissolving our membership, we will free the US of this financial burden. The outrageous corruption in the oil, food and medicine program should send a clear message, that the United Nations' only real concerns are in lining their pockets with money, to date \$26 billion dollars, the largest swindle in world history.

The question being adoption of the majority committee report.

Reps. Albert, Boyce, Ingbreton and Bettencourt spoke against.

Rep. Roberts spoke in favor.

Rep. Twombly spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

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YEAS 240

BELKNAP

Clark, Charles
Pilliod, James

Fitzgerald, James
Tobin, William

Millham, Alida
Veazey, John

Morrison, Gail
Whalley, Michael

CARROLL

Ahlgren, Christopher
Knox, J David
Philbrick, Donald

Brown, Carolyn
Martin, James
Stevens, Stanley

Buco, Thomas
Olimpio, J Lisbeth

Dickinson, Howard
Patten, Betsey

CHESHIRE

Allen, Peter
Dexter, Judson
Hogancamp, Deborah
Richardson, Barbara
Sinclair, Stephanie

Butcher, Suzanne
Dunn, J Timothy
Mitchell, Bonnie
Roberts, Kris
Tilton, Anna

Butynski, William
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy
Weed, Charles

Chase, William
Espieffs, Peter
Pratt, John
Sawyer, Sheldon

COOS

King, Frederick
Theberge, Robert

Mears, Edgar

Merrick, Scott

Stohl, Eric

GRAFTON

Almy, Susan
Cooney, Mary
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Hammond, Lee
Naro, Debra

Benn, Bernard
Harding, A Laurie
Nordgren, Sharon

Bleyler, Ruth
McLeod, Martha
Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
Brassard, Paul
Carter, Mark
Clemons, Jane
Craig, James
Egbers, Fran
Gargas, Carolyn
Goley, Jeffrey
Hall, Betty
Kurk, Neal
Matarazzo, Anthony Sr
Movsesian, Lori
Pepino, Leo

Batula, Peter
Brundige, Robert
Chabot, Robert
Cote, David
DeVries, Betsi
Emerton, Larry
Garrity, Patrick
Gorman, Mary
Harvey, Suzanne
Lasky, Bette
Messier, Irene
O'Connell, Timothy
Pilote, Maurice

Beaulieu, Jane
Calawa, Leon Jr
Chase, Claudia
Cote, Peter
Dokmo, Cynthia
Essex, David
Ginsburg, Ruth
Graham, John
Holden, Randolph
Lefebvre, Roland
Mooney, Maureen
Ober, Lynne
Price, Pamela

Bergin, Peter
Carlson, Donald
Clayton, William
Coughlin, Pamela
Drisko, Richard
Foster, Linda
Golding, William
Haley, Robert
Kopka, Angeline
Manney, Pamela
Moran, Edward
Pappas, Christopher
Reeves, Sandra

Rochette, Eric
Ryder, Donald
Smith, David
Velez, Hector

Rosenwald, Cindy
Schulze, Joan
Sullivan, Francis
Wheeler, Robert

Ross, Lawrence
Shaw, Barbara
Sullivan, Peter

Rowe, Robert
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Clarke, Claire
DeStefano, Stephen
Hager, Elizabeth
L'Heureux, Stephen
McMahon, Patricia
Potter, Frances
Ryan, Jim
Walz, Mary Beth

Blanchard, Elizabeth
Currier, David
Foose, Robert
Hamm, Christine
Lockwood, Priscilla
Oliver, James
Reardon, Tara
Shurtleff, Stephen
Williams, Robert

Bouchard, Candace
Danforth, James
French, Barbara
Hess, David
MacKay, James
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Yeaton, Charles

Brueggemann, Donald
DeJoie, John
Greco, Vincent
Kidder, David
Maxfield, Roy
Owen, Derek
Rush, Deanna
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Dalrymple, Janeen
Dowling, Patricia
Forsing, Robert
Gillick, Thomas
Katsakiores, George
Major, Norman
Moody, Marcia
O'Neil, Michael
Powers, James
Rolston, James
Stiles, Nancy
Zolla, William

Belanger, Ronald
Carson, Sharon
DiFruscia, Anthony
Doyle, Christopher
Francoeur, Sheila
Gould, Kenneth
Katsakiores, Phyllis
Mason, April
Morris, Richard
Packard, Sherman
Putnam, Ed II
Sanders, Elisabeth
Stone, Joseph

Blanchard, MaryAnn
Casey, Kimberley
Dodge, Robert
Fesh, Bob
Garrity, James
Griffin, Mary
Kobel, Rudolph
McKinney, Betsy
Norelli, Terie
Pantelakos, Laura
Rausch, James
Scamman, Stella
Waterhouse, Kevin

Bridle, Russell
Coburn, James
Dowd, John
Flockhart, Eileen
Gilbert, Karl
Johnson, Robert
Langley, Jane
McMahon, Charles
Nowe, Ronald
Parker, Benjamin
Robertson, Carl
Splaine, James
Winchell, George

STRAFFORD

Berube, Roger
Dunlap, Patricia
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Twombly, James

Brown, Jennifer
Goodwin, Earle
Johnson, Nancy
Rollo, Michael
Snyder, Clair
Wall, Janet

Brown, Julie
Grassie, Anne
Kaen, Naida
Rous, Emma
Spang, Judith

Creteau, Irene
Heon, Richard
Knowles, William
Schmidt, Peter
Taylor, Kathleen

SULLIVAN

Cloutier, John
Gale, Harry
Rodeschin, Beverly

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Franklin, Peter
Prichard, Stephen

NAYS 106

BELKNAP

Boyce, Laurie
Tilton, Franklin

Heald, Bruce
Wendelboe, Fran

Nedeau, Stephen

Rosen, Ralph

CARROLL

Babson, David Jr

Chandler, Gene

McConkey, Mark

Morrow, Harry

CHESHIRE

Emerson, Susan

Pelkey, Stephen

COOS

Buzzell, Bernard
Richardson, Herbert

Lary, Bruce

Morneau, Renney

Remick, William

GRAFTON

Alger, John	Barker, Robert	Dorsett, Andrew	Gionet, Edmond
Giuda, Robert	Ingbreton, Paul	Mirski, Paul	Sorg, Gregory
Ward, John	Williams, Burton		

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Baines, Stephen	Balboni, Michael
Barry, J Gail	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Buhlman, David	Carew, James	Christensen, D L Chris	Christiansen, Lars
Crane, Elenore Casey	Desmarais, Vivian	Dyer, Donald	Elliott, Larry
Elliott, Nancy	Francoeur, Bea	Gibson, John	Goyette, Peter Jr
Hagan, Barbara	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Hunter, Bruce	Infantine, William
Jasper, Shawn	L'Heureux, Robert	Lessard, Rudy	Mead, Robert
O'Brien, William	Renzullo, Andrew	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Ulery, Jordan	Villeneuve, Maurice	Wheeler, James

MERRIMACK

Field, William	Kennedy, Richard	Langlais, Thomas	Marple, Richard
Soltani, Tony	Whiting, Herbert		

ROCKINGHAM

Allen, Mary	Bettencourt, David	Bicknell, Elbert	Buxton, Donald
Cady, Harriet	Camm, Kevin	Charron, Gene	Donahue, Richard Ken
Dumaine, Dudley	Flanders, John Sr	Hopfgarten, Paul	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Rogers
Lund, Howie	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Smith, Paul	Weare, E Albert	Welch, David	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Wiley, Robert	

STRAFFORD

Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford		

SULLIVAN

None

and the majority committee report was adopted.

BILLS REMOVED FROM CONSENT CALENDAR

HB 136-FN, removing increased penalties for crimes substantially motivated by hostility toward the victim's religion, race, creed, sexual orientation, national origin, or sex. **INEXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The bill, if enacted, would remove the enhanced penalty for crimes substantially motivated by hostility towards the victim's religion, race, creed, sexual orientation, national origin or gender. There was a five hour hearing conducted where 36 people testified. The four sponsors and three citizens were the only ones in favor of the bill. The governor's representative and attorney general were strongly opposed to this legislation. This great country of ours is a heterogeneous group of people. We have men and women from most countries around the world, representing numerous religious organizations, races and sexual orientations. We have always struggled with the rights of various minority groups. We have not always been as open to freedom of expression as our forefathers would have liked. Yet, even as we deplore hateful speech against minority groups, we protect and defend the freedom of expression of all people. Our Constitution provides freedom of expression for blacks and the Ku Klux Klan, gays and gay haters, women's groups and misogynists, Christians, Jews, Muslims and any other religious group. It is not the thought this statute seeks to punish, as testimony suggested. It is the actions of a few hateful people. This law punishes those who would seek to intimidate others in their freedom of expression; who seek to harm others because of the color of their skin, gender, sexual preference or

nationality. These individuals need to understand that as a free and democratic society, we thrive on an individual's freedom of expression. We need to encourage and protect this right so that any minority is free from harm or intimidation in the exercise of its rights. In those cases where hate motivates any individual to assault or murder another because of his or her minority status, we must hold these individuals to account for their behavior. Ultimately, we as a democratic society will be judged on our willingness and ability to protect any minority of our citizenry. This law was enacted in the early 90's because crosses were being burned on people's lawns, anti-semitic signs were being painted on synagogues and homes, people were being beaten because of their race, religion, or sexual preferences. This law is only used by a jury after all the facts have been put before them. The committee feels this law should be kept on the books. Vote 19-0.

Rep. Bicknell spoke against and yielded to questions.

Rep. DeJoie spoke in favor.

Rep. Peter Sullivan requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 298 NAYS 48

YEAS 298

BELKNAP

Fitzgerald, James
Nedeau, Stephen
Whalley, Michael

Heald, Bruce
Pilliod, James

Millham, Alida
Tobin, William

Morrison, Gail
Veazey, John

CARROLL

Ahlgren, Christopher
Chandler, Gene
McConkey, Mark
Philbrick, Donald

Babson, David Jr
Dickinson, Howard
Merrow, Harry
Stevens, Stanley

Brown, Carolyn
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

CHESHIRE

Allen, Peter
Dexter, Judson
Espieffs, Peter
Pelkey, Stephen
Robertson, Timothy

Butcher, Suzanne
Dunn, J Timothy
Hogancamp, Deborah
Pratt, John
Sinclair, Stephanie

Butynski, William
Eaton, Daniel
Mitchell, Bonnie
Richardson, Barbara
Tilton, Anna

Chase, William
Emerson, Susan
Parkhurst, Henry
Roberts, Kris
Weed, Charles

COOS

Buzzell, Bernard
Merrick, Scott
Stohl, Eric

King, Frederick
Morneau, Renney
Theberge, Robert

Lary, Bruce
Remick, William

Mears, Edgar
Richardson, Herbert

GRAFTON

Alger, John
Benn, Bernard
Hammond, Lee
Naro, Debra
Ward, John

Almy, Susan
Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon
Williams, Burton

Andersen, Gene
Cooney, Mary
McLeod, Martha
Sokol, Hilda

Barker, Robert
Gionet, Edmond
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Allan, Nelson
Bergeron, Jean-Guy
Brassard, Paul
Carlson, Donald
Christensen, D L Chris
Cote, Peter
Desmarais, Vivian
Dyer, Donald
Emerton, Larry

Baroody, Benjamin
Bergin, Peter
Brundige, Robert
Carter, Mark
Clayton, William
Coughlin, Pamela
DeVries, Betsi
Egbers, Fran
Essex, David

Batula, Peter
Biundo, Michael
Calawa, Leon Jr
Chabot, Robert
Clemons, Jane
Craig, James
Dokmo, Cynthia
Elliott, Larry
Foster, Linda

Beaulieu, Jane
Boehm, Ralph
Carew, James
Chase, Claudia
Cote, David
Crane, Elenore Casey
Drisko, Richard
Elliott, Nancy
Gargasz, Carolyn

Garrity, Patrick
 Goley, Jeffrey
 Haley, Robert
 Hawkins, Ken
 Infantine, William
 Lasky, Bette
 Matarazzo, Anthony Sr
 Movsesian, Lori
 Pappas, Christopher
 Reeves, Sandra
 Rowe, Robert
 Shaw, Kimberly
 Sullivan, Peter
 Villeneuve, Maurice

Gibson, John
 Gorman, Mary
 Hall, Betty
 Hirschmann, Keith
 Jasper, Shawn
 Lefebvre, Roland
 Mead, Robert
 O'Brien, William
 Pepino, Leo
 Rochette, Eric
 Ryder, Donald
 Smith, David
 Ulery, Jordan
 Wheeler, Robert

Ginsburg, Ruth
 Goyette, Peter Jr
 Hansen, Ryan
 Holden, Randolph
 Kopka, Angeline
 Lessard, Rudy
 Messier, Irene
 O'Connell, Timothy
 Pilotte, Maurice
 Rosenwald, Cindy
 Schulze, Joan
 Stepanek, Stephen
 Vaillancourt, Steve

Golding, William
 Graham, John
 Harvey, Suzanne
 Hunter, Bruce
 L'Heureux, Robert
 Manney, Pamela
 Mooney, Maureen
 Ober, Lynne
 Price, Pamela
 Ross, Lawrence
 Shaw, Barbara
 Sullivan, Francis
 Velez, Hector

MERRIMACK

Anderson, Eric
 Clarke, Claire
 DeStefano, Stephen
 Hager, Elizabeth
 L'Heureux, Stephen
 McMahon, Patricia
 Potter, Frances
 Ryan, Jim
 Walz, Mary Beth

Blanchard, Elizabeth
 Currier, David
 Foose, Robert
 Hamm, Christine
 Lockwood, Priscilla
 Oliver, James
 Reardon, Tara
 Shurtleff, Stephen
 Whiting, Herbert

Bouchard, Candace
 Danforth, James
 French, Barbara
 Hess, David
 MacKay, James
 Osborne, Jessie
 Reed, Dennis
 Tilton, Joy
 Williams, Robert

Brueggemann, Donald
 DeJoie, John
 Greco, Vincent
 Kidder, David
 Maxfield, Roy
 Owen, Derek
 Rush, Deanna
 Wallner, Mary Jane
 Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
 Blanchard, MaryAnn
 Camm, Kevin
 Coburn, James
 Dowd, John
 Flanders, John Sr
 Garrity, James
 Griffin, Mary
 Johnson, Rogers
 Langley, Jane
 McMahon, Charles
 Nowe, Ronald
 Parker, Benjamin
 Quandt, Matthew
 Sanders, Elisabeth
 Stiles, Nancy
 Welch, David
 Zolla, William

Allen, Mary
 Bridle, Russell
 Carson, Sharon
 Dalrymple, Janeen
 Dowling, Patricia
 Flockhart, Eileen
 Gilbert, Karl
 Hughes, Daniel
 Katsakiores, George
 Major, Norman
 Moody, Marcia
 O'Neil, Michael
 Powers, James
 Rausch, James
 Scamman, Stella
 Stone, Joseph
 Weldy, Norman

Belanger, Ronald
 Buxton, Donald
 Casey, Kimberley
 DiFruscia, Anthony
 Doyle, Christopher
 Forsing, Robert
 Gillick, Thomas
 Ingram, Russell
 Katsakiores, Phyllis
 Mason, April
 Morris, Richard
 Packard, Sherman
 Putnam, Ed II
 Robertson, Carl
 Smith, Paul
 Waterhouse, Kevin
 Wiley, Robert

Bettencourt, David
 Cali-Pitts, Jacqueline
 Charron, Gene
 Dodge, Robert
 Fesh, Bob
 Francoeur, Sheila
 Gould, Kenneth
 Introne, Robert
 Kobel, Rudolph
 McKinney, Betsy
 Norelli, Terie
 Pantelakos, Laura
 Quandt, Marshall Lee
 Rolston, James
 Splaine, James
 Weare, E Albert
 Winchell, George

STRAFFORD

Berube, Roger
 Chaplin, Duncan
 Grassie, Anne
 Kaen, Naida
 Schmidt, Peter
 Taylor, Kathleen

Brown, Jennifer
 Creteau, Irene
 Heon, Richard
 Knowles, William
 Smith, Marjorie
 Twombly, James

Brown, Julie
 Dunlap, Patricia
 Hofemann, Roland
 Rollo, Michael
 Snyder, Clair
 Wall, Janet

Cataldo, Sam
 Goodwin, Earle
 Johnson, Nancy
 Rous, Emma
 Spang, Judith

SULLIVAN

Cloutier, John
 Gale, Harry
 Rodeschin, Beverly

Converse, Larry
 Houde-Quimby, Charlotte

Donovan, Thomas
 Jillette, Arthur Jr

Franklin, Peter
 Prichard, Stephen

NAYS 48
BELKNAP

Boyce, Laurie
 Wendelboe, Fran

Clark, Charles

Rosen, Ralph

Tilton, Franklin

CARROLL

None

CHESHIRE

Sawyer, Sheldon

COOS

None

GRAFTON

Dorsett, Andrew
 Sorg, Gregory

Giuda, Robert

Ingbreton, Paul

Mirski, Paul

HILLSBOROUGH

Aboshar, Jeffrey
 Barry, J Gail
 Hagan, Barbara
 Moran, Edward
 Wheeler, James

Adams, Jarvis IV
 Buhlman, David
 Hellwig, Steve
 Renzullo, Andrew

Baines, Stephen
 Christiansen, Lars
 Hinkle, Peyton
 Slocum, Lee

Balboni, Michael
 Francoeur, Bea
 Kurk, Neal
 Souza, Kathleen

MERRIMACK

Field, William
 Soltani, Tony

Kennedy, Richard

Langlais, Thomas

Marple, Richard

ROCKINGHAM

Bicknell, Elbert
 Hopfgarten, Paul
 Palazzo, Frank

Cady, Harriet
 Itse, Daniel
 Wells, Roger

Donahue, Richard Ken
 Johnson, Robert
 Weyler, Kenneth

Dumaine, Dudley
 Lund, Howie

STRAFFORD

Albert, Russell

Campbell, W Packy

Easson, Timothy

Newton, Clifford

SULLIVAN

None

and the committee report was adopted.

HB 290-FN, relative to participation in health savings accounts. **INEXPEDIENT TO LEGISLATE**
 Rep. Maurice L. Pilotte for Executive Departments and Administration: The committee heard testimony reminding us that federal law already allows this type of health savings account provided they include a high deductible (\$1,000.00 minimum). The committee has further concerns about the ability of the State of New Hampshire to introduce these accounts absent their inclusion in the state employee negotiated contracts. Vote 16-0.

Rep. Bergin moved Recommit to committee.

Adopted and recommitted to the Committee on Executive Departments and Administration.

HB 158, relative to the Auburn District Court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Buxton for Judiciary: The committee feels that the time has come to solve the Auburn Court location problem. The issue comes up in every legislative session and will not go away until addressed. The unanimous feeling was that the court needs to be more centrally located so that access to justice is available to all. The burdens on the small towns, along with transportation for the poor, becomes unreasonable. This bill will provide the opportunity to locate a district court that is accessible to the citizens of the district. Vote 21-0.

Amendment (0113h)

Amend the bill by replacing all after the enacting clause with the following:

1 Auburn District Court. Amend RSA 502-A:1, IV to read as follows:

IV. AUBURN DISTRICT. The Auburn district shall consist of the towns of Auburn, Candia, ~~and Deerfield, [Nottingham, Raymond, and Northwood]~~. The district court for the district shall be located in Auburn, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Auburn District Court.

2 New Paragraph; Raymond District Court. Amend RSA 502-A:1 by inserting after paragraph IV the following new paragraph:

IV-a. RAYMOND DISTRICT. The Raymond district shall consist of the towns of Raymond, Nottingham, and Northwood. The district court for the district shall be located in Raymond, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Raymond District Court.

3 Contingency. If the department of administrative services and the towns of Raymond, Nottingham, and Northwood reach an agreement on an acceptable courthouse facility and funding for a courthouse facility for the Raymond district on or before June 30, 2008, sections 1 and 2 of this act shall take effect July 1, 2008. If the department of administrative services and the towns of Raymond, Nottingham, and Northwood cannot reach an agreement on an acceptable courthouse facility and funding for a courthouse facility for the Raymond district on or before June 30, 2008, sections 1 and 2 of this act shall not take effect.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill divides the Auburn district court district into 2 districts, the Auburn district and the Raymond district, if certain conditions are met regarding a court facility for the Raymond district. Rep. Dokmo moved Recommit to committee.

Adopted and recommitted to the Committee on Judiciary.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that Rules be so far suspended so March 24, 2005 shall be the deadline for reporting and March 30, 2005 shall be the deadline for acting on the following House Bills: **HB 606-FN-A-L**, revising the calculation and distribution of education funding and special education funding.

HB 614-FN-A-L, providing for state funding of the statewide average education cost per pupil.

HB 616, revising the calculation and distribution of adequate education grants.

HB 635-FN-L, relative to education funding.

HB 646-FN-L, proposing a definition of an adequate education.

HB 650-FN-L, revising education funding and distribution and establishing needs-based matching grants.

HB 684-FN-L, relative to education funding and the distribution of targeted aid and transition education grants.

HB 690-FN, relative to medical services for children and pregnant women.

HB 691-FN-L, relative to the medicaid program.

The Governor's education bill, which is still being drafted.

Adopted by the necessary two-thirds vote.

SENATE MESSAGE**CONCURRENCE**

HB 135-FN-A, establishing a committee to study funding sources for the state laboratories and extending the appropriation to the department of corrections for the prison automation system.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered **HB 135-FN-A**, establishing a committee to study funding sources for the state laboratories and extending the appropriation to the department of corrections for the prison automation system.

Rep. Currier, Sen. D'Allesandro for the Committee

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 23, 2005 at 1:00 p.m. Adopted.

LATE SESSION**Third reading and final passage**

HB 229, extending the committee to study the establishment of a farm viability program.

HB 153-FN, relative to the collection of debts owed to the state.

HB 259, relative to medical assistance for home care for children with severe disabilities.

HB 514, establishing the New Hampshire health care quality assurance commission.

HB 112, relative to psychiatric evaluations in competency hearings.

HB 60-FN-A, relative to reimbursement of legal fees of the commissioner of the department of administrative services and making an appropriation therefore.

HB 71-FN-A-L, relative to funding of the school building aid program for the 2005 fiscal year and making an appropriation therefore.

HB 102 FN-A, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefore.

HB 240-FN, relative to psychotropic drugs and child protection.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 12:10 p.m.

RECESS

(Rep. Weyler in the Chair)

RESOLUTION

Rep. Cataldo offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 12, 21, 65, 68, 74, 75, 76, 83, 91, 98, 105, 201 and 203 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS**First, second reading and referral**

SB 12, relative to contracts with non-profit public academies. (Education)

SB 21, relative to voluntary mediated agreements in adoptions. (Children and Family Law)

SB 65, ratifying changes to the state building code adopted by the state building code review board. (Executive Departments and Administration)

SB 68, relative to certain costs for the development of a high school in the town of Bedford. (Education)

SB 74, making certain technical changes in the insurance laws. (Commerce)

SB 75-FN, relative to the statute of limitations for a civil actions based upon a sexual assault case. (Judiciary)

SB 76, relative to the extension of restraining orders under the domestic violence protection act. (Criminal Justice and Public Safety)

SB 83, establishing a commission to study issues relative to the comprehensive shoreland protection act. (Resources, Recreation and Development)

SB 91-FN, relative to an increase in the co-payment for participation in the animal population control program. (Environment and Agriculture)

SB 98-FN, relative to issuing duplicate registrations for off highway recreational vehicles. (Fish and Game)

SB 105, granting the executive director of fish and game authority to promote hunting, fishing, and wildlife-related activities. (Fish and Game)

SB 201, making technical corrections to certain environmental laws and the small business technical assistance program. (Environment and Agriculture)

SB 203, relative to leases and contracts for buildings or lands owned by the fish and game department. (Public Works and Highways)

COMMITTEE ASSIGNMENTS

The Speaker made the following assignments:

Rep. John M. Gibson off Ways and Means; on Resources, Recreation and Development.

Rep. Sharon M. Carson on Ways and Means.

RECESS

(Rep. Price in the Chair)

RESOLUTION

Rep. Babson offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 100 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 100-FN-A-L, establishing an education equity index to provide state education assistance to municipalities. (Weyler, Rock 8; Hager, Merr 12; Craig, Hills 9; Nordgren, Graf 9; Odell, Dist 8; Gallus, Dist 1; D'Allesandro, Dist 20; Foster, Dist 13; Martel, Dist 18: Education)

RECESS

(Rep. Phinizy in the Chair)

RESOLUTION

Rep. Ferland offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 717 and 718 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 717, prohibiting cancellation of property and liability insurance on the basis of certain political activities. (C. Chase, Hills 2; DeJoie, Merr 11; Butcher, Ches 3; O'Brien, Hills 4; D'Allesandro, Dist 20: Commerce)

HB 718-FN-A, relative to group life insurance for New Hampshire citizens serving in the military reserves or national guard and making an appropriation therefor. (Rowe, Hills 6; L. Elliott, Hills 1; Chandler, Carr 1; Craig, Hills 9; Clegg, Dist 14; Odell, Dist 8; Barnes, Dist 17; Larsen, Dist 15: State-Federal Relations and Veterans Affairs)

RECESS

(Rep. Nedeau in the Chair)

RESOLUTION

Rep. Packard offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 17, 42, 48, 80, 85, 90, 126, 132, 141, 142 and Senate Concurrent Resolutions 1 and 3, shall be by this resolution, read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS**First, second reading and referral**

SB 17, relative to the definition of educational institution for the purpose of higher education loans. (Education)

SB 42, establishing a pharmaceutical study committee to study direct purchasing of prescription medication by the state. (Health, Human Services and Elderly Affairs)

SB 48-FN, prohibiting unlawful peering into the dwelling place of another. (Judiciary),

SB 80, permitting the Emerald Lake village district to enact and enforce regulations to protect its public water supply and to have a health officer. (Municipal and County Government)

SB 85, relative to expenses of operating bingo games. (Ways and Means)

SB 90-FN-A-L, relative to kindergarten construction aid. (Education)

SB 126, establishing a committee to study the appeals process in cases between landlords and tenants. (Municipal and County Government)

SB 132, relative to the board of marital mediator certification. (Children and Family Law)

SB 141-L, authorizing the establishment of certain reserve funds by the Gorham, Randolph, and Shelburne school districts. (Education)

SB 142, extending the reporting date of the commission to study issues relative to groundwater withdrawals. (Resources, Recreation and Development)

SCR 1, endorsing a farm viability task force. (Environment and Agriculture)

SCR 3, relative to the Boy Scouts of America. (Legislative Administration)

RECESS**(Speaker Scamman in the Chair)**

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 7

Wednesday, February 23, 2005

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Dr. Allen Tomlinson, Pastor of the First Congregational Church in Merrimack.

We come before You, the Almighty and Sovereign Creator, the living God who has made heaven and earth. With King Nebuchadnezzar of old let us bless You, the most high God, and praise and honor You who live and reign forever. For Your dominion is an everlasting dominion, and Your kingdom is from generation to generation. All the inhabitants of the earth are reputed as nothing before Your infinity. You do according to Your will in the army of heaven and among the inhabitants of the earth. No one can restrain Your hand or call You to an account. All Your works are truth and Your ways justice. And You are able to put down those who walk in pride. So help us to humble ourselves before You, asking for Your mercy, for Your help, and for Your guidance this day.

We pray for Your mercy, because we fall far short both in our personal lives and in our public service. We often fail to accomplish those good things we desire, and we many times have broken Your good command for us to love one another, to love our neighbors as ourselves, to do to others as we would have others do to us. We struggle with selfishness as we are tempted to concentrate more on what is for our good or our pleasure instead of what is most to Your glory and best for humankind as a whole. Forgive us our shortcomings we pray, for the sake of Your only begotten Son, and renew within us a right, humble and selfless spirit by which we may serve You and others.

We also pray for Your help and guidance, for our understanding is finite and very narrow. Our solutions so often seem to fall far short of what is really needed. Bring us a keen awareness of our weaknesses, so that we will look to Your omniscience and to Your infinite goodness for the wisdom that we need to accomplish those tasks assigned to us, so that we might do them well.

Heavenly Father, I thank You for these women and men in this room who have committed themselves to serving the people of the state of New Hampshire. Please pour out on each one of them Your mercy, Your help, Your wisdom, Your spirit of justice and truth. Guide them by the revelation of Yourself that You have made to us in the person and word of Your holy son, Jesus Christ in whose name I pray. Amen.

Rep. Roland P. Hofemann led the Pledge of Allegiance.

The National Anthem was sung by Julie Dubela, an eighth grade student at Exeter Cooperative Middle School in Stratham.

LEAVES OF ABSENCE

Reps. Barry, Butynski, Desmarais, Foote, Mary Ellen Martin, Maybeck, Palangas and Robert Williams the day, illness..

Reps. Aboshar, Berube, Bleyler, Dexter, Domingo, Essex, Donald Flanders, Forsing, Giuda, Greco, Hollinger, Introne, Irwin, Klose, Lessard, Mason, Charles, McMahon, Oliver, Reeves, Tholl and Twombly, the day, important business.

Rep. Lefebvre, the day, illness in the family.

INTRODUCTION OF GUESTS

Jim Dubela, father of singer, guest of the House. Thierry Vankerk-Hoven, Consul General for the Consulate of France in Boston, guest of the House. Hon. Alf E. Jacobson, former member from New London and wife Sonja, guests of the House. Ben Holley and Sarah Foster, guests of Rep. Foose. Lindsey Suprenard and Young McWhinnie, guests of Rep. Ryan. Matt Senerchia, guest of Rep. Hilliard.

RESOLUTION

Reps. O'Neil and Craig offered the following:

RESOLVED, that the House of Representatives inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of attending to an address by Chief Justice John T. Broderick, Jr. on the state of the Judiciary.

Adopted.

SENATE MESSAGE

The Senate is ready to meet with the Honorable House of Representatives in Joint Convention for the purpose of attending an address by, New Hampshire Supreme Court Chief Justice John T. Broderick, Jr., on the state of the Judiciary.

JOINT CONVENTION

(Speaker Scamman presiding)

The Sergeant-at-Arms introduced the Senate and Senate President, Thomas R. Eaton; Administrative Judge John R. Maher of the Probate Courts, Justice John A. Korbey representing the District Courts, Chief Justice Robert J. Lynn of the Superior Courts and Senior Marital Master Stephanie Nute. Associate Justices Joseph P. Nadeau, Linda S. Dalianis, James E. Duggan and Richard Galway of the Supreme Court and Chief Justice John T. Broderick, Jr.

STATE OF THE JUDICIARY ADDRESS

The Honorable Chief Justice John T. Broderick, Jr. addressed the Joint Convention on the state of the Judiciary.

Mr. Speaker, Mr. President, Governor Lynch, distinguished members of the House and Senate, leadership of the state bar, special guests and my judicial colleagues, it is a distinct privilege to be here today in this historic chamber, the people's house, to address a joint session of the New Hampshire Legislature on the State of the Judiciary. Few citizens and few public officials are given this opportunity and I am both grateful and honored to be with you. I also know your schedules are busy so I will not overstay my welcome.

Through the confidence and trust of others, I have the privilege to appear here today as the first Chief Justice appointed in the 21st century. I am very proud to lead the Judiciary in New Hampshire. I am particularly pleased to report to all of you today that the State of the Judiciary in New Hampshire is sound and open to real change. My colleagues and I are committed to a new day of dialogue, cooperation and openness with all of you. In fact, we look forward to it. Although we serve the people of New Hampshire in separate branches of state government, we have much in common. We all took the same oath. We serve the very same people. We are all committed to public service or we wouldn't be here, and however long we serve, our tenure is temporary. I have long admired those who sacrifice to serve in public life, I can assure you of that and I look forward to working closely with all of you in the years ahead so that justice and access to justice can be a reality for all of our citizens.

During this past year I have traveled over two thousand miles throughout New Hampshire (if you need a map I can give you one) and I visited all 46 court locations in our state containing 66 different courts. The overwhelming number of those facilities are first-rate and I want to thank you for recognizing the need for dignified courthouses in New Hampshire. You deserve much credit and you have my sincere thanks.

Everyday throughout our State hundreds of New Hampshire citizens and their families use our courthouses and courtrooms and everyday someone's life is profoundly changed in those rooms. It is important that that occur in a respectful and appropriate environment. I must confess that in my travels, I have visited a few court facilities that are not appropriate for the serious and important work they do but I have appreciated working with local officials, members of the House and Senate, as well as Commissioner Hill and his assistant, Peter Goodwin, and we are making real progress on the few remaining sites that need progress.

More importantly, during my visits to those 46 court locations, I have talked one-on-one to virtually all 591 people who work behind the counter. I've talked to almost all 56 full-time judges, 56 part-time judges and 13 marital masters. I commend them for their outstanding service to the people of New Hampshire and particularly thank them for their generosity in helping me to better understand the day-to-day challenges confronting our justice system. With the help of those people, I have gained more insight into the real world needs of the thousands and thousands of people who use our courts each year – and I can report to you that population is more diverse as each day passes. As a result of my visits, I have come to realize in new ways that the world beyond the walls of our courthouses is changing dramatically and that the courts, with your full assistance, must also undergo change to ensure that they remain accessible, affordable and responsive. I am more persuaded than ever that the status quo is not our friend. Be assured that my colleagues and I have

a vision for the future for the court system. But I also know the critical importance, both practically and constitutionally, of working with all of you to craft a common vision for the courts. The courts belong to the people of New Hampshire and you are privileged to be the representative voice of those people. It is my responsibility, my duty, therefore, to listen respectfully to your concerns and ideas and to listen carefully. My colleagues and I intend to do that.

The single biggest challenge confronting our courts is to accommodate the rising number of people and small businesses that cannot afford a lawyer to represent their interests or choose not to hire one. Our judicial system, which has admirably stood the test of time, is well designed for situations where all parties have lawyers they can afford and plenty of time to wait for the result. Let me report to you today that those days are rapidly disappearing.

In the District Courts in New Hampshire, in 85% of the civil cases, at least one party represents himself. In the Superior Court that number is somewhere in the mid-40 percentile. In the Supreme Court in 40% of the cases filed in the year just passed, at least one party was self-represented.

In the years ahead we will need to redesign the way our courthouses work to accommodate the obvious needs this growing trend suggests. It is my goal that we re-examine how we do business in the court houses and to make our courts more user-friendly and understandable. It's 2005, I think it's time. I'm looking for your help and the public's help in doing that. Next month I will announce the formation of a Citizens Committee on Justice in the 21st Century to take a comprehensive look at the administration of justice in New Hampshire. I have asked the Governor, the Speaker and the Senate President to appoint some of its members, and I will ask a non-lawyer citizen to Chair it. The judicial system, which was masterfully designed to administer justice, needs to be restructured to reflect today's needs. I am searching for new ways to meaningfully address the needs of the self-represented. We must constantly ask, we in the judicial system and you in this great hall, how much procedure inside our courthouses is essential and how much just adds expense to the ultimate resolution of the dispute. We must not make it unnecessarily difficult or expensive for people to find justice or for lawyers to represent those in search of justice. We need to make maximum use of technology in this new age and we need to drain as much unnecessary cost from the litigation process as we can. In my judgment as Chief Justice, the long-term viability of the court system depends upon it.

I am in search and my colleagues are in search of a new design, which reflects modern needs and responds to today's concerns. As part of this new design, my colleagues and I are interested in creating alternatives to trial by combat. As an old trial lawyer, I like trial, but they are too expensive for most and becoming more expensive all the time. We need to infuse our court system with new ways in which parties can choose to resolve disputes more efficiently, at lower cost and without having to appear before a judge, if that's their choice.

Under the direction of Administrative Judge John Maher, who is here today, the Probate Court has been a leader in the effective use of low-cost, paid mediation using professional mediators and we need to incorporate this technique for dispute resolution as an additional option for our citizens throughout our system.

One of the great strengths of our justice system here in New Hampshire and around America, is that we treat all cases the same; that's also one of our biggest weaknesses. People who come to our courts want someone to listen to them, they want their concerns validated and they want a thoughtful and fair resolution of the dispute that brought them there. All that can occur in many instances without ever appearing before a judge. I do not believe for a minute that when people walk into our courthouses, they say to themselves, "I cannot wait until the Supreme Court hears my appeal." I don't think that is the world we live in. Alternative dispute resolution will not only allow those to our courts a new alternative, it will make the system more understandable, and less expensive. We are presently designing a mediation system for small claims cases in the busiest district courts. While it will require a \$5.00 increase in the filing fee, which we hope you will approve this legislative session, it will prove in my judgment to be a very valuable investment for the people of our state. Last year alone there were more than 17,000 small claims cases filed across New Hampshire.

In addition to focusing on the needs of the self-represented, I am anxious to re-examine how the judicial system deals with divorce itself and family-related issues. The needs of New Hampshire's families are growing and the courts will need to be more thoughtful, resourceful and timely in addressing them. The family docket in this State is the largest non-criminal component of the entire judicial system and it will grow larger.

As you know, the Legislature voted last year, with the unanimous approval of the Court, to expand the Family Division, which now exists in two of our ten counties. This will occur over the next few years, under the exceptional stewardship of Administrative Judge Edwin Kelly and with the cooperation of our staff, our judges and our masters. I also want to commend my colleague, Justice Dalianis, who is here today, for the outstanding leadership she has shown in designing the new footprint for family cases in New Hampshire — a design that was created with legislative input. We will, if this comes to pass, for the first time, gather under one roof all these family cases and bind them in a common vision and a common mission. The goal is to ensure that family disputes are resolved effectively, with less acrimony, at less cost so that families affected can have a better shot at a successful result.

The Family Division represents the single biggest change. The single biggest change in my professional life and the footprint of the court. I want to commend the marital masters for their very important and difficult work. It's a tough job what they do. I want to particularly recognize Master Stephanie Nute, who is here today, for her leadership and dedication and assistance to me, and, of course, I would be remiss if I did not acknowledge the judges of the Districts Court and Family Courts who work tirelessly in your communities to help the lives of the citizens who live there. Finally, I would like to commend all of you in this House and in this Senate for the energy and perseverance you have shown in making the Family Division a reality. It was an idea that originated here, not across the road. We will need you to continue to work closely on its future and make needed adjustments as we go.

In my judgment we also need to fundamentally rethink how divorce is handled in our courts. Taking spouses and children in stress and forcing them into an adversarial system, with no other meaningful alternative, is neither economically sound, nor affordable, nor in my judgment socially beneficial. Every divorce is finally over and the children remain. I am committed, as are my colleagues, and as I know you are, to doing more for New Hampshire's families throughout the court system. And I respectfully suggest the time is now.

I am particularly concerned about the needs of children across the board and whether the courts are meeting those needs. I have proposed a Joint Commission (the legislative, the executive and the judicial branches) to Study the Needs of Children in the Judicial System and to see whether we are fulfilling those needs. I've mentioned it to the Speaker, the Senate President and to Governor Lynch and I'm hopeful that it will happen. It will, in my judgment, pay dividends for the least powerful and the most in need.

In January of last year, Associate Justice Robert Lynn, who is here today, was appointed Chief Justice of the Superior Court. I can report to you that he is doing an outstanding job and I benefit each day from his counsel and his help. He is intent upon improving the operations of the Superior Court, which has a long and distinguished history and a very important future. He has introduced individualized docketing in the Superior Court so the cases when they are filed are aggregated and delivered to a single judge who is responsible for the welfare of those cases from start to finish. It increases service, management and accountability, which the people of this state have a right to expect. Chief Justice Lynn is also intent to establish uniformity of practice at all Superior Court locations. Indeed, a new case management system, which all of you made possible, will be introduced into every trial court beginning later this year, and with the additional help of our phenomenal staff, uniformity system-wide and increased services will be the watchwords system-wide.

As many of you may know, the Supreme Court has just completed its first year accepting virtually every case that's filed. Our staff has been extraordinary in helping us make the change from a 25-year-old system where we took many fewer cases. The change, in my judgment, has been worth the effort and the doors of the Supreme Court are open wider than they have been in a generation and I believe the public of our state has been well served.

Foremost among my goals when I was privileged to assume this job in June, was to unify the judicial system in fact, not just in name. It is essential for our business and for our communications with this legislature, that we speak with one voice whenever possible after examining different points of view. Because of the cooperation and collaboration of Judges Lynn, Maher and Kelly and the support of the judges and the masters throughout our system, and particularly my colleagues on the Supreme Court, we have made great progress. We're not there yet, but we are gaining on it. I am confident that the Judicial Branch of government is embracing change with enthusiasm and that we will make the necessary transition, with your help, to continue to meet the responsibilities we have, to have a justice system open enough, thoughtful enough and competent enough to deal responsibly, efficiently and fairly with the realities of a new century.

Over the past year my colleagues and I have spoken many times to the leadership of the House and Senate, Democrat and Republican alike. Those exchanges have been informal, respectful, open

and productive. Governor Lynch has also extended to me and to my colleagues and to the system of justice, an open hand and an open mind. My colleagues and I are committed to a new day and a new spirit of cooperation, trust and mutual respect. We are confident we can achieve it, and we have made a good beginning.

Courts, courts like mine, are rarely popular and never perfect, I know that – that's American history. But we, like you, are indispensable to our constitutional form of government. We cannot, however, continue to fulfill our duties without needed change in the system we oversee and strong legislative support.

While the courts should never surrender or compromise their constitutional obligations to gain favor, neither should we see openness, transparency and cooperation as inconsistent with our independence. I can assure you that my colleagues and I do not.

We long for a relationship with the other branches of government that transcends the perceived wisdom of our latest opinion and that allows all of you a renewed confidence in the administration of justice. I can assure you that we will continue to work tirelessly to achieve that but we will need your help and counsel. We will readily accept both.

I am privileged to sit each day at a desk occupied for many years by former Chief Justice Frank Kenison in a building rightly named in his memory. He served as Chief Justice of New Hampshire from 1952 to 1977. As many of you know he was a revered figure across our state and across our nation. He possessed a dignity, an ease and a balance that served the justice system and the people of New Hampshire well. He had good and trusted friends in this chamber and in this government and his word was bond.

My colleagues and I are in search of the path he so ably cut and we will need your help and your assistance to find it and tend it as we begin the 21st Century. I am confident we will have it. Thank you for the honor to be here. It's a very high privilege. Thank you very much.

Rep. O'Neil and Sen. Clegg moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE SESSION

(Speaker Scamman in the Chair)

The Speaker reconvened the House.

MEMORIAL REMARKS

Rep. Craig moved that the remarks of Rep. John R. M. Alger and Speaker Scamman be printed in the Permanent Journal.

Adopted.

Rep. Alger: Mr. Speaker, honorable members, we heard this week the shocking news of the unfortunate skiing accident in which the Honorable Harold Melcher was killed. I have the honor and high privilege of speaking in support of his background as a state representative. Harold Melcher was a state representative for a number of years on the Environment and Agriculture Committee. When I first came to this House 1997-1998, I was assigned, as I requested, to that committee. Hal was an apple farmer and a teacher. I always got a kick out of that because an apple farmer, to make clean and good apples, has to use a spray on them. A lot of people don't like to use sprays, and he, of course, didn't like to any more than he had to. We had a lot of fun with that versus some others who wanted to go organic.

He was a strong proponent of agriculture. We had the right-to-farm bill, you know, "I built a farm 200 years ago and now people move in and they are trying to say the noise and smell, and so forth, you should leave." We had the hybrid tree bill in which they wanted us to treat trees as a farm crop. They only grew 10 years rather than as tree crops to avoid this tree tax and we had an interesting time with that.

We worked together on a number of bills. I grew to love the guy, except he was a Democrat. But he was a great Democrat. He was a Republican in Massachusetts and he told me, "John, you ought to love the income tax because nobody will come up here then, and it wouldn't fill up our places and make it so difficult with housing."

When I left E&A for Education, he called me up and said, "John, how can you do that? We have other things to work on together." I still feel badly about that.

I kept in touch with him from time to time. We talked about farm issues. All in all, he was an outstanding state representative, in my view. So, for his wife and his family I wish them the best and have the sincere and solid knowledge that Hal, father and husband, was a great and outstanding legislator for this House. Thank you very much.

MEMORIAL REMARKS

Speaker Scamman: This week we were also saddened with the news of the passing of another former House member, Bill Kidder from New London. I am particularly saddened because once again I have lost a close, personal friend. We served together in the 70's on the House Appropriations Committee where we got to know each other very well. His native wisdom and his gentle touch served us well and later contributed greatly to the crafting of the state budget after I was elected Speaker. Bill led by example and I can still hear him say, "We've got to do the right thing here." Whether he had stopped to pick up a piece of paper off the floor, or insisted on adequate funding for a needy cause, he led by example.

Bill was a charter member of our weekly legislative group who would hash over the issues of the day as they played their friendly game of cards. Again, his wisdom and wonderful sense of humor was appreciated.

He served in the European theater during World War II under General Patton and he loved his country. After the war, Bill returned home to New London where he served as Town Clerk for 40 years. He was a man who gave so much to his church, his community and his beloved University of New Hampshire. Bill lost a piece of his heart in 1994 when his wife of 57 years, Harriet, fondly known as "Petey," passed away. I am sure that they have been reunited once again.

Our thoughts and prayers go out to his family, his son, David who is a freshman legislator this year, to his four grandsons of whom he was so proud and his two daughters-in-law. Please join me for a moment of silence for former Representative. Bill Kidder, a great legislator and a true friend of New Hampshire.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 227, relative to undeclared voters at primary elections, removed by Rep. Vaillancourt.

HB 277, relative to special elections for executive councilor, state senator, and state representative, removed by Rep. Whalley.

HB 260-FN, relative to motor vehicle equipment and registration, removed by Rep. Pepino.

HB 461-FN, establishing number plates supporting New Hampshire public higher education, removed by Rep. Francis Sullivan.

Consent Calendar adopted.

HB 313-FN, relative to registration of business entities. **OUGHT TO PASS**

Rep. Stephen B. Stepanek for Commerce: Last session a number of housekeeping measures were enacted related to registration of corporations. Also, fees were adjusted to properly cover the costs incurred by the Secretary of State in the registration of corporations. This bill makes the same changes and fee adjustments for limited liability corporations. Vote 18-0.

Referred to Ways and Means.

HB 128-FN, relative to reckless or negligent operation of a carnival or amusement ride. **OUGHT TO PASS WITH AMENDMENT**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill specifically deals with the negligent operation of a carnival, or amusement ride in a manner that places or may place a bystander or passenger in danger of bodily injury. The committee heard testimony of instances where ride operators became distracted while operating these rides and the committee was unanimous in its opinion that there need to be safeguards in place. There was no testimony in opposition to this bill. Vote 16-0.

Amendment (0247h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to negligent operation of a carnival or amusement ride.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Negligent Operation of a Carnival Ride or Amusement Ride. Amend RSA 631 by inserting after section 3-a the following new section:

631:3-b Negligent Operation of a Carnival Ride or Amusement Ride.

I. A person engages in negligent operation of a carnival ride or amusement ride if such person, or such person's employee or agent:

(a) Negligently operates such ride in a manner that places or may place a bystander or passenger in danger of bodily injury; or

(b) Negligently fails to enforce established manufacturers' guidelines for safe operation of such ride; or

I Operates such ride while impaired by intoxicating liquor or a controlled drug. A person operating such ride who is under the age of 21 with a blood alcohol content of .02 percent or more shall constitute prima facie evidence of impairment. A person operating such ride who is 21 years of age or older with a blood alcohol content of .04 percent or more shall constitute prima facie evidence of impairment.

II. Any person who refuses to submit to a blood or breath test, upon request of a law enforcement officer or an employee of the department of safety authorized to enforce carnival and amusement ride regulations who has reasonable suspicion that the operator is impaired, shall be guilty of a violation. Any person who violates any other provision of this section shall be guilty of a misdemeanor if no bodily injury results and guilty of a class B felony if bodily injury to any other person results.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes penalties for negligent operation of a carnival ride or amusement ride.

HB 204-FN, relative to unauthorized video surveillance. **OUGHT TO PASS WITH AMENDMENT**
Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill adds "the interior of one's dwelling" to RSA 644:9, II which deals with violation of privacy. Specifically, this adds the aforementioned words to the definition of "private place" as currently contained in the statute. Testimony was presented that some judges do not consider one's dwelling as being a private place because the legislature did not include it in the definition. This addition will clarify our intent that one's dwelling is a private place. Vote 13-3.

Amendment (0237h)

Amend RSA 644:9, II as inserted by section 1 of the bill by replacing it with the following:

II. As used in this section, "private place" means a place where one may reasonably expect to be safe from surveillance including public restrooms, locker rooms, *the interior of one's dwelling place*, or any place where a person's private body parts including genitalia, buttocks, or female breasts may be exposed.

HB 439, relative to registration requirements for criminal offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: During the last session, the House passed legislation requiring people charged with sex crimes who were found not guilty by reason of insanity to register as sex offenders. The Senate made a slight change in a definition which the House agreed to, but we were unaware the important text of the bill was eliminated. This bill is an attempt to get everything right this time. Vote 15-0.

Amendment (0286h)

Amend RSA 651-B:6, II as inserted by section 6 of the bill by replacing it with the following:

II. Any sexual offender [~~convicted~~] **required to register as a result** of a violation or attempted violation of RSA 632A:4, I(a) or RSA 645:1, II, and any offender against children [~~convicted~~] **required to register as a result** of a violation or attempted violation of RSA 633:3 or 645:2, I, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release [~~following conviction~~], provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent [~~conviction~~] **violation or attempted violation of an offense for which the person is required to register.**

Amend RSA 651-B:7, II (a)(3) as inserted by section 7 of the bill by replacing it with the following:

(3) RSA 632-A:3, II, provided that the age difference between the convicted individual and the victim was more than 3 years at the time of the offense.

HB 127, establishing a committee to study the creation of a satellite campus of the regional community-technical college system in the city of Franklin. **INEXPEDIENT TO LEGISLATE**
Rep. Timothy E. Easson for Education: While the committee agrees that a satellite campus in Franklin is a laudable goal, the prime sponsor indicated that the intent of the bill can be achieved without legislation. Vote 20-0.

HB 150, defining truancy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill is a request from the Department of Education to create a uniform definition of truancy state wide, which is required in reporting under the No Child Left Behind Act. "Truancy" means unexcused absence from school or class and "unexcused absence" is an absence without parental or administrative permission. Vote 18-0.

Amendment (0052h)

Amend RSA 189:35-a, II as inserted by section I of the bill by replacing it with the following:

II. Twenty half days of unexcused absence during a school year shall constitute habitual truancy.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2005.

HB 241-FN-L, relative to removal of political advertising. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra J. Reeves for Election Law: The bill sought to amend RSA 664:17 regarding placement and removal of political advertising on public property so as to create certain rights to the abutters of such public property and further to assess a fine to the candidate or its fiscal agent provided affirmative notice is given in advance as to the illegal placement of political signs and further provided the enforcement officer has affirmative evidence as to the property boundaries. The committee felt the intent of the current RSA was already clear and that this amendment would create more controversy than it would eliminate. Additional burden to the state, city or town would not be in the public interest. Vote 14-0.

HB 402, relative to filling certain vacancies in multi-member representative districts. **INEXPEDIENT TO LEGISLATE**

Rep. Keith D. Hirschmann for Election Law: Elected representation remains the constant to delivering representation to our constituents. Special elections may impose a financial burden on the affected communities but this committee did not believe that filling a vacancy with the candidate receiving the next highest vote total would be appropriate. Elective representation won over cost savings. Vote 14-0.

HB 516, relative to general qualifications for elective office. **INEXPEDIENT TO LEGISLATE**

Rep. Keith D. Hirschmann for Election Law: This bill modifies the law requiring persons holding elective office in the state to be citizens of the United States. The committee felt that the existing RSA 655:1, dealing with citizenship is clean and concise without adding verbiage to state the obvious. U.S. citizenship requirements, by birth right or naturalization, to hold public office are clear. The sponsor added residency which is addressed in other sections of the law. Thus the conclusion of the committee is this change is unnecessary. Vote 14-0.

HB 319-FN-L, requiring the department of environmental services to arbitrate certain disputes between municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: While the committee understands the current problems with resolving disputes between municipalities, we do not believe this to be the right vehicle. Additionally, the Department of Environmental Services clearly stated that they are not trained in mediation/arbitration and question how effective this would be. The sponsor felt that since this is the first time this type of legislation has come forward, it was clear that additional study was needed to develop the final form. Vote 14-0.

HB 434-FN, requiring state agencies using automated answering systems to provide a method of access to a human being. **OUGHT TO PASS**

Rep. Hector M. Velez for Executive Departments and Administration: This bill requires state agencies that use automated answering systems to provide a method of access to a human being during the agency's business hours. The committee believes this bill allows residents of this state the right to access their government in a timely fashion without being on hold for a long period of time. Presently, there are several state agencies that do not have the capability to provide this service. However, this bill will require all state agencies to have a live person available to access phone calls. Vote 15-1.

HB 464, relative to the construction of a substance abuse treatment facility in Unity, New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill seeks to preempt potential hurdles to the building of a "for-profit" substance treatment facility on county owned land. The committee felt that it is entirely within the purview of the county management to proceed with planning for such a facility with input from county commissioners and the county delegation and in collaboration with town officials. Vote 14-0.

HB 472, relative to the definition of recreational program. **OUGHT TO PASS WITH AMENDMENT**
Rep. Ken Hawkins for Executive Departments and Administration: The committee heard testimony that the Department of Health and Human Services was requiring day care licensing for some recreational programs in towns, churches, etc. that the department had to do under current RSA's. The committee felt that municipalities, YMCA's, Boys & Girls Clubs, churches, etc. should be able to offer programs without being licensed for day care. Vote 16-0.

Amendment (0298h)

Amend RSA 170-E:2, XI-a as inserted by section 1 of the bill by replacing it with the following:

XI-a. "Recreational program" means any before and/or after school, vacation, or summer youth program for children 6 years of age or older offered by:

(a) A municipality; or

(b) A school or church group, the Boys and Girls Clubs of America, Girls, Incorporated, the YMCA, or the YWCA, provided that the program does not operate in a private home, notifies parents or guardians that the program is not subject to licensure under RSA 170-E:4, has policies and procedures to address the filing of grievances by parents and guardians, and is a member in good standing and in compliance with the national organization's minimum standards and procedures.

HB 701-FN, establishing a citizen complaint review commission. **INEXPEDIENT TO LEGISLATE**
Rep. James B. Coburn for Executive Departments and Administration: This bill establishes a citizen complaint review commission to review and investigate citizen complaints regarding actions by agencies of the State of New Hampshire. Each county would elect a member of the commission at the general election beginning with the November, 2006 general election. While the committee appreciates the efforts of the sponsor to bring a solution forward, after hearing the testimony and discussion, the committee felt that resolution belongs at the agency level. Vote 18-0.

HB 474, establishing a commission to study the accessible housing needs and available financial assistance resources for individuals with disabilities. **INEXPEDIENT TO LEGISLATE**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee felt that the goals and duties of this bill are credible and timely. There was no opposition to the need for study of the housing needs for individuals with disabilities. The vast majority favored an approach that would allow for the study to begin now, rather than wait for the legislative process that could take several months. The committee recommended a study committee operating under the authority of the Oversight Committee on Health and Human Services. That would give the committee credibility based on the authority and resources of the Oversight Committee. The committee was nearly unanimous in its support for this approach. Vote 12-1.

HB 488, establishing a task force on mental health costs. **OUGHT TO PASS WITH AMENDMENT**
Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: This bill establishes a task force to study the costs incurred by mental illness as it relates to all areas of state services. The task force will study the cost impact of mental illness, including drug and alcohol addiction, on the budgets of health, corrections, law enforcement, prosecution, public defender, education, and alcohol and drug programs. The study will allow state agencies and other interested parties to talk with one another, compare costs, and find more effective ways to spend budget dollars. The task force report will provide valuable guidance for future legislation. Vote 16-0.

Amendment (0262h)

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

1. The members of the task force shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

I The administrative justice of the district courts, or designee.

(d) A probation and parole officer, appointed by the commissioner of the department of corrections.

(e) An administrator of a nursing home, appointed by the governor.

(f) The commissioner of the department of education, or designee.

(g) The commissioner of the department of corrections, or designee.

(h) The commissioner of the department of health and human services, or designee.

(i) The attorney general, or designee.

(j) The executive director of the governor's commission on disability, or designee.

(k) The executive director of the governor's council on drug and alcohol abuse, or designee.

(l) A public defender, appointed by the judicial council.

(m) The President of the New Hampshire Association of Chiefs of Police, or designee.

II. The task force shall solicit information from any person or entity the task force deems relevant to its study.

III. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

HB 492, relative to health standards for food service handlers. **INEXPEDIENT TO LEGISLATE**
Rep. James R. MacKay for Health, Human Services and Elderly Affairs: No one spoke in support of this bill. This bill appears to contain an unfunded mandate under New Hampshire law. In addition, the bill was opposed by the New Hampshire Lodging and Restaurant Association. Specifically, the bill requires food service workers to be tested for hepatitis. New Hampshire generally has a low level of incidence of hepatitis. It was felt that a public health approach including education and training would be more appropriate. Vote 13-0.

HB 155, relative to bail conditions. **INEXPEDIENT TO LEGISLATE**

Rep. Richard W. Morris for Judiciary: A recent Supreme Court decision (*State v Kidder*) raised several issues relative to the ability of counsel for the defendant to directly contact a victim or opposing party in certain cases. There have been three bills filed with the legislature this year to address this issue. HB 155, which deals with conditions of bail, is one of these bills. The committee feels this issue should be addressed in other legislation on this matter which is currently before the committee on Criminal Justice and Public Safety. Vote 20-1.

HB 452, relative to champerty in actions to quiet title and to extinguish mineral rights. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would amend RSA 498:5-a by allowing a person with no claim of title to or interest in real or personal property, whose ownership is disputed, to aid in or carry on litigation to establish its ownership in exchange for a share of the property or its value. The class of persons authorized by the statute to litigate such claims is already broad. The committee saw no reason to enlarge this class by inviting strangers to initiate or carry on litigation on behalf of potential claimants who do not care to do so themselves. Vote 18-1.

HB 694-FN, relative to interference with service of process. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would subject persons having nothing to do with the litigation concerned to criminal contempt for failing to cooperate to the satisfaction of process servers in locating the persons to be served. It fails to define with specificity the elements of the offense of "interference with service of process". It places the burden upon the persons charged to prove their innocence. It punishes by contempt of court behavior that neither occurred in the presence of a judge nor violated a court order. The committee was not unsympathetic to the sponsor's objective of streamlining the administration of justice, but concluded that until these deficiencies could be overcome, process servers will have to continue to rely upon their resourcefulness in difficult cases. Vote 17-0.

HB 43, clarifying the penalty provision of the law relative to lobbyists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael S. Rollo for Legislative Administration: This bill with its amendment repeals the penalties for state employees appearing and testifying before a legislative committee without wearing their name tags. The amendment moves the citation for this paragraph from RSA 15:5, relative to lobbyists, to RSA 98-F: 1, relative to state employees. Vote 10-0.

Amendment (0148h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to state employees appearing before the legislature.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; State Employee Appearances Before the Legislature. Amend RSA by inserting after chapter 98-E the following new chapter:

CHAPTER 98-F**STATE EMPLOYEE APPEARANCES BEFORE THE LEGISLATURE**

98-F:1 State employees appearing in their official capacity before any legislative meeting or hearing for the purpose of promoting or opposing directly or indirectly any legislation pending or proposed before the general court shall wear their employee identification badges.

2 Repeal. RSA 15:2-a, III, relative to state employees appearing before the legislature, is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires state employees who appear before the legislature to wear their employee identification badges.

HB 182, establishing a committee to study campaign contributions and lobbying practices. IN-EXPEDIENT TO LEGISLATE

Rep. Paul C. Smith for Legislative Administration: The bill attempted to create a study committee to study the issue of campaign contributions and lobbying. The question arose as to whether the topic was too broad. The sponsor expressed a willingness to have the issue studied with regard to other issues. Given the plethora of bills before other committees with more specific language, the committee felt that there are more prudent avenues we can follow to achieve the same goals. Vote 10-0.

HB 213, relative to nomination of officers in the house of representatives. INEXPEDIENT TO LEGISLATE

Rep. Elbert I. Bicknell for Legislative Administration: This bill would require that the nomination of a majority leader for the New Hampshire House be by the members of that majority party and then approved by the Speaker. The sponsor of this bill requested that the committee ITL as he will attempt to go through other channels to accomplish what is proposed in this bill. The committee as a whole complied with his request. Vote 10-0.

HB 45, relative to combining water department funds and sewer department funds. INEXPEDIENT TO LEGISLATE

Rep. Robert L. Theberge for Municipal and County Government: Current statute requires that water fees and sewer user fees are to be kept as separate and distinct funds to ensure the fiscal ability to independently operate, maintain and replace water and sewer infrastructure and to ensure that the funds are dedicated to their separate purposes. The statute also reflects the preferred standard industry practice so that either the water or sewer operations are allocated proportionate to service. Although enabling, the committee believes that if the practice was changed to allow the commingling of funds then some rates could become distorted relative to actual user costs by expenditures skewed towards one type of user. It was also noted that the proposed bill did not specify which governing body – water or sewer commission – would have final control of the commingled funds. There was a question about how federal grant money, if applied for, could be affected if the funds were commingled. The committee felt there were enough uncertainties about the proposal, even though enabling or possibly just for one town, that a change such as this was not appropriate. Vote 14-1.

HB 52, allowing municipalities to grant an additional exemption amount to disabled persons for their dependent children. INEXPEDIENT TO LEGISLATE

Rep. Harry Gale for Municipal and County Government: This bill is requesting an additional \$1000.00 exemption for the disabled taxpayer for each dependent child. The statutes regarding exemptions put the local community in charge of what income and asset levels will be allowed. The governing body in the municipalities also has the flexibility to give local property tax abatements for "just cause" determined by the governing body. The committee believes that the local community can already address this issue by voting to increase the income and asset level if they choose. Vote 13-0.

HB 144-L, relative to special elections for municipal charter amendments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul R. Hopfgarten for Municipal and County Government: This bill extends the time period to place amendments to a municipal charter to no more than 365 days after the municipal officials order such placed on the ballot. This allows for charter amendments to be voted on at the next annual municipal election, thus preventing the necessity of a special election during the year. Special elections have historically smaller turnouts, thus not allowing for a greater number of the electorate to vote on these important changes to the charter. Additionally, there is a cost to the municipality in holding a special election. These costs can be avoided by having the amendment voted on at a regular municipal election. Vote 13-0.

Amendment (0022h)

Amend the bill by replacing section 1 with the following:

1 Municipal Charter Amendment Procedures. Amend RSA 49-B:5, IVI to read as follows:

1 Within 7 days after the hearing, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, if such election is held not less than 60 days nor more than ~~[+80]~~ 365 days thereafter. Otherwise, the municipal officers shall order a special election to be held not less than 60 days ~~[nor more than 90 days]~~ from the date of the order for the purpose of voting on the proposed amendments.

AMENDED ANALYSIS

This bill allows greater discretion for a chartered municipality to call a special election.

HB 198, allowing municipalities to adopt a property tax credit for persons aged 65 and older calculated by freezing their property assessments. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: Currently the present law allows municipalities to grant property tax exemptions up to and including 100% of their property tax based on income level and age. The committee heard testimony on this bill which wished to freeze an owner's property assessments if that person was 65 years old or older. A further stipulation in the bill required that the owner shall have resided for at least 20 years at that residence. Once the assessed value is frozen, there can not be any further increase in the assessed value passed on to the owner. The municipality is to continue to update and report the true assessed value, therefore creating a tax exemption to the property owner for the difference. The committee feels that this bill is not needed due to the fact that municipalities are allowed to grant an elderly exemption for this age class of taxpayers already. Vote 13-1.

HB 236, relative to the time for filing a motion to rehear a zoning decision. **OUGHT TO PASS**

Rep. Peter Schmidt for Municipal and County Government: This bill addresses the disparity between the treatment of motions to rehear a zoning decision and the general practices under state law. Specifically, the general rule of the state excludes the date of a decision from calculation of the period for filing a motion to rehear. This bill conforms zoning decision motions to the general state rule. Vote 13-0.

HB 265, relative to minutes of land use board meetings involving developments of regional impact. **OUGHT TO PASS**

Rep. Nancy K. Johnson for Municipal and County Government: This bill increases the amount of time from 72 hours to 144 hours following a decision on a development of regional impact to provide plans and minutes to the regional planning commission and other affected communities. This would make the minutes of land use board meetings of regional impact consistent with other land use times. Vote 17-0.

HB 266, relative to the procedure for dismissal or suspension of a police chief. **OUGHT TO PASS**

Rep. Eric G. Stohl for Municipal and County Government: This bill simply lengthens the period of time within which a police chief who is dismissed or suspended by a municipality may request a superior court hearing on the merits of the case. Presently, the law allows only 10 days for a police chief to petition the court for a hearing. This bill changes the time frame from 10 days to 45 days. Due to the limited number of attorneys that specialize in these issues, the 10 day period

created a hardship in obtaining legal counsel; especially due to the fact that a weekend is included within this time. An additional benefit to this expansion is allowing the superior court more time to move cases around to accommodate their busy schedules. The bill also provides language to make the law gender neutral. Vote 17-0.

HB 263, relative to the use of design build and construction management methods for state capital projects. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Rausch for Public Works and Highways: This bill clarifies existing law by defining "design" build as a method of contracting utilizing the professional services of a single entity designer/builder who is responsible for the design and construction of a project. The bill further adds construction management to existing law and defines construction management as a method of contracting where the state engages the services of a contractor to work with an architect, or engineer. The contractor assumes risk for construction and is required to provide design consultation including valuation of costs, schedules, alternative design, systems and materials. The amendment allows for the statewide transportation improvement projects using the design build concept to be expanded from "not to exceed \$1,000,000" to "not to exceed \$5,000,000.00." Vote 14-0.

Amendment (0266h)

Amend the bill by inserting after section 2 the following and renumbering the original sections 3 and 4 to read as 4 and 5, respectively:

3 Major Capital Projects; Transportation Improvement Projects. Amend RSA 228:4, I(g) to read as follows:

(g) Statewide transportation improvement program projects with a cost not to exceed [~~\$1,000,000 and which are related to transportation enhancement, congestion mitigation and air quality, or intelligent transportation systems;~~] **\$5,000,000** may be developed and constructed utilizing the design build concept based on a request for proposal, provided that selection is based on an objective standard and measurable criteria for evaluation of the proposals. The commissioner shall report the results of any statewide transportation improvement program project using the design build concept to the capital budget overview committee within 90 days after the completion of the project.

AMENDED ANALYSIS

This bill defines the design build and construction management methods for state major capital projects and establishes procedures for their use. The bill also increases the cost amount for transportation improvement projects eligible for design build.

HB 528-FN-L, relative to acquisitions of state surplus real property by municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. David B. Campbell for Public Works and Highways: The committee unanimously felt that the proposed legislation would unwisely reduce state highway and general funds by eliminating the state's ability to realize revenue through the fair market value sale of surplus property owned by the state of New Hampshire. Vote 17-0.

HB 559-FN, establishing a preference for New Hampshire vendors in state procurement contracts. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Cloutier for Public Works and Highways: This bill would establish a state procurement preference for purchases of materials, equipment, supplies and services by the director of the division of plant and property management. At the request of both the bill's sponsors, the committee voted to recommend ITL because of concerns from the state Attorney General's office that its passage might interfere with a present court case. Also, there were parts of bill as now written that would be in violation of federal immigration laws. Other than the sponsors, there was no one else at the hearing to testify either for or against the bill. Vote 14-0.

HB 47, regulating the use of computer spyware. **OUGHT TO PASS WITH AMENDMENT**

Rep. James M. Garrity for Science, Technology and Energy: This bill provides that using spy ware or other similar computer programs to knowingly alter, take control of, or damage a consumer's computer or internet access, will be a violation of the Consumer Protection Act under the provisions of RSA 358-A and 359-G:2. Vote 15-0.

Amendment (0219h)

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Computer Spyware. Amend RSA by inserting after chapter 359-F the following new chapter:

**CHAPTER 359-G
COMPUTER SPYWARE**

359-G:1 Definitions. In this chapter:

I. "Advertisement" means a communication, the primary purpose of which is the commercial promotion of a commercial product or service, including content on an Internet website operated for a commercial purpose.

II. "Authorized user" means a consumer who owns or is permitted to use a computer.

III. "Computer program" means a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

IV.(a) "Spyware" means software residing on a computer that:

(1) Employs a user's Internet connection in the background, via a backchannel, without his or her knowledge or explicit permission.

(2) Sends information about the computer's usage to a remote computer or server; or displays or causes to be displayed an advertisement in response to the computer's usage.

(3) Sends or causes to be sent personal information residing on the computer to a remote computer or server.

(b) Notwithstanding subparagraph (a), "spyware" does not include any of the following:

(1) Software designed and installed primarily to prevent, diagnose, or resolve technical difficulties, to protect the security of the user's computer, or to detect or prevent fraudulent activities.

(2) Software or data that solely report to an Internet website information previously stored by the Internet website on the user's computer, including cookies, HTML code, or Java Scripts.

(3) Software that provides the user with the capability to search the Internet.

(4) Software installed with the consent of an authorized user whose primary purpose is to prevent access to Internet content that is inappropriate for minors.

(5) An operating system.

V. "Usage" means:

(a) The Internet websites accessed by a user.

(b) The contents or characteristics of the Internet websites accessed by a user.

I A user's personal information, including:

(1) A first and last name of a user, whether given at birth or adoption, assumed, or legally changed.

(2) Any of the following with respect to a user's home or other physical address: the street name, the name of the city or town, or the zip code.

(3) An electronic mail address.

(4) A telephone number.

(5) A Social Security number.

(6) Any personal identification number.

(7) A credit card number.

(8) Any access code associated with a credit card.

(9) A date of birth, birth certificate number, or place of birth.

(10) A password or access code.

(d) A user's submission to forms or Internet websites.

359-G:2 Prohibited Conduct. A person or entity conducting business in this state, who is not an authorized user, shall not knowingly cause a computer program or spyware to be copied onto the computer of a consumer and use the program or spyware to do any of the following:

I. Take control, through intentionally deceptive means, of the consumer's computer by doing any of the following:

(a) Transmitting or relaying commercial electronic mail or a computer virus from the consumer's computer, where the transmission or relaying is initiated by a person other than an authorized user and without the authorization of an authorized user.

(b) Accessing or using the consumer's modem or Internet service for the purpose of causing damage to the consumer's computer or causing an authorized user to incur unauthorized financial charges.

I Using the consumer's computer as part of an activity performed by a group of computers for the purpose of causing damage to another computer, including launching a denial of service attack.

(d) Opening multiple, sequential, stand-alone advertisements in the consumer's Internet browser with knowledge that a reasonable computer user cannot close the advertisements without turning off the computer or closing the consumer's Internet browser.

II. Modifying, through intentionally deceptive means, any of the following settings related to the computer's access to, or use of, the Internet:

(a) The page that appears when an authorized user launches an Internet browser or similar program used to access and navigate the Internet.

(b) The default provider the authorized user uses to access or search the Internet.

I The authorized user's list of bookmarks used to access Web pages.

(d) An authorized user's security or other settings that protect information about the authorized user, for the purpose of stealing personal information of, or causing harm to, an authorized user.

(e) The security settings of the computer for the purpose of causing damage to one or more computers.

III. Collecting personal information through intentionally deceptive means, such as through the use of a keystroke logging function, and transferring that information from the computer to another person.

IV. Preventing, through intentionally deceptive means, an authorized user's reasonable efforts to block the installation of, or to disable, software by doing any of the following:

(a) Presenting an authorized user with an option to decline installation of software such that, when the option is selected, the installation nevertheless proceeds.

(b) Falsely representing that software has been disabled.

I Causing software that the authorized user has properly removed or disabled to automatically reinstall or reactivate on the computer without the authorization of an authorized user.

V. Intentionally misrepresenting that software will be uninstalled or disabled by an authorized user's action, with knowledge that the software will not be uninstalled or disabled.

VI. Inducing, through deceptive means, an authorized user to install a software component onto the computer, including deceptively misrepresenting that installing software is necessary for security or privacy reasons or in order to open, view, or play a particular type of content.

VII. Deceptively installing and executing on the computer one or more additional computer software components with the intent of causing an authorized user to use the components in a way that violates any other provision of this section.

VIII. Through intentionally deceptive means, removing, disabling, or rendering inoperative a security, antispyware, or antivirus technology installed on the computer.

359-G:3 Violations. A violation of RSA 359-G:2 shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A. Any right or remedy provided in RSA 358-A may be used to enforce this chapter. The consumer protection and antitrust bureau may coordinate with the appropriate federal agency to request assistance and federal enforcement.

359-G:4 Limitations on Actions. A person may not bring an action for a violation of this chapter against an Internet service provider for the routine transmission of security information or information that contains an advertisement violating this chapter. No person may bring a class action under this chapter.

359-G:5 Enforcement; Information Gathering. The consumer protection and antitrust bureau shall investigate complaints and make recommendations to the house standing committee responsible for science, technology, and energy issues if the bureau finds a need for additional provisions to this chapter.

359-G:6 Exemption. A provider of software or provider of interactive computer service shall not be held liable under this chapter for any action voluntarily taken in good faith, or any service provided in good faith, to remove or disable programs used to violate RSA 359-G:2 that reside on the consumer's computer if the consumer is a customer of the provider and if the provider notifies the consumer prior to undertaking the action or providing the service.

2 Effective Date.

I. RSA 359-G:3 as inserted by section 1 of this act shall take effect upon certification by the department of justice to the secretary of state and the office of legislative services that federal legislation has passed requiring state attorneys general to enforce federal anti-spyware legislation.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that using spyware or similar computer programs to knowingly alter, take control of, or damage a consumer's computer or Internet access will be a violation of the consumer protection act if/when federal anti-spyware legislation takes effect.

HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill limits reimbursement to providers of mobile phone services by the 911 emergency communications bureau for expenses incurred after April 1, 2005. Current law allows for reimbursement for phase 1 and phase 2 reasonable costs incurred by cellular telephone companies based on FCC guidelines. In 1996, the FCC required all cellular telephone companies to provide emergency 911 services in two phases. The FCC also allowed for reimbursement for part of these costs. In 2002, the FCC removed the requirement to reimburse companies for these 911 services. The committee determined that the minimal re-occurring costs associated with providing 911 services should be the responsibility of the mobile carriers and not all telephone subscribers including land line customers. The committee also added language in session law stressing the timely payment for outstanding expenses submitted by wireless carriers. Vote 15-0.

Amendment (0321h)

Amend the bill by replacing all after section 1 with the following:

2 Review of Claims. The enhanced 911 commission shall approve and the bureau, as defined in RSA 106-H:2, III, shall pay, in a timely fashion, all reimbursement claims filed under RSA 106-H:8 by providers of commercial mobile radio service for reasonable expenses incurred prior to April 1, 2005 to which the providers are entitled.

3 Effective Date. This act shall take effect upon its passage.

HB 146, establishing a commission to study health care delivery at the Veterans Administration Hospital. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: The intent of the sponsors' bill is commendable. Over 20,000 veterans are enrolled in the Veterans Administration in New Hampshire and are provided care in facilities located in Manchester, Portsmouth, Tilton, Conway and Wolfeboro. The level of care provided to our veterans has been deemed excellent, not only by the sponsor of this bill but also by the awards given to the VA Medical Center in Manchester as proof of that quality care. For complaints about care by any veteran, a system is presently in place to field those complaints through the Director of the Veterans Administration in New Hampshire. Other issues or medical complaints can also be directed to the director or any of the staff at the NH Veterans Council. Furthermore, through our United States Senators or Congressmen are sounding boards for medical or any other complaints. The committee felt, therefore, that the veteran has a number of avenues that are presently in place to submit a complaint or gain a hearing. The Veterans Administration is a federal agency under federal jurisdiction spending federal funds. No state committee comprised of elected NH representatives can have a direct input over the VA that does not presently exist. The committee felt that the formation of this new committee would institute a duplication of services. Vote 12-2.

HB 189, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. **INEXPEDIENT TO LEGISLATE**
Rep. Lars T. Christiansen for State-Federal Relations and Veterans Affairs: The New Hampshire Legislature in 1991 established RSA 12-A:30 (Advisory Committee on International Trade) which addresses this issue. The committee felt that all international trade is controlled by Article VI Section 2 of the United States Constitution. Therefore this bill is not necessary. Vote 13-1.

HB 242, relative to falsification of motor vehicle applications filed with the department of safety. **OUGHT TO PASS**

Rep. Stephen H. Nedeau for Transportation: This bill adds to the suspension or revocation of a license or registration issued by the Division of Motor Vehicles based on an application made with any false statement or fraudulent document. The committee felt that this was a good change in the law. The bill also cleans up a couple of minor issues: one changes "him" to "him or her" and changes "motor vehicle laws" to "motor vehicles." Vote 12-0.

HB 268-FN, increasing certain motor vehicle fees. OUGHT TO PASS

Rep. Stephen H. Nedeau for Transportation: This bill increases the fees charged by the Department of Safety for replacement number plates, as well as validation stickers. The bill will increase the fee for replacement number plates by 50 cents, \$3.50 to \$4.00, and also establishes a new \$1.00 fee for the replacement of validation stickers that are lost or illegible. The committee felt that this was not an unreasonable request. Vote 12-0.

Referred to Ways and Means.

HB 286, prohibiting the operation of pocket bikes and motorized scooters upon ways. OUGHT TO PASS

Rep. Brenda L. Ferland for Transportation: This bill will prohibit the operation of pocket bikes and motorized scooters upon any way. These transporters are described as any 2 or 3 wheel motorized device that has handlebars and is designed to be stood or sat upon by the operator and is smaller than a conventional moped, motorcycle or motor-driven cycle, or any 2 or 3 wheeled motorized device, other than an antique motorcycle, that does not have a 17-character vehicle identification number. For registration purposes, any vehicle must meet the safety standards to the satisfaction of the federal government. Because these vehicles are small and low to the ground and are being operated by children, the committee feels they are a danger to the motoring public. Also, there is a concern that these vehicles are a seasonable use item and more along the lines of a recreational vehicle. Call them what you want, but the committee knows they don't belong on our highways. Vote 13-0.

HB 507, establishing a commission to study noise and hours of operation of motor vehicle race-tracks. INEXPEDIENT TO LEGISLATE

Rep. James W. Danforth for Transportation: This bill would have set up a commission, made up of one representative from each of the 10 racetracks in the state of New Hampshire. Members of the House and Senate would be included. The commissions' job would be to study noise at existing racetracks. As long as there are racetracks there will be noise that someone does not like. But local governing bodies, where these tracks are located, have control and have exercised it on noise, days of operation, lighting, traffic control, crowds and just about anything else that is involved in running a racetrack. Tracks are a permitted business; they follow the rules that are put before them. Vote 13-0.

REGULAR CALENDAR**HB 46-FN, relative to penalties for first-time DWI offenders. OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Welch for Criminal Justice and Public Safety: During the 2004 Session, SB 478 passed the House with a vote of 211-119. During the floor debate, questions arose about a provision that would allow a person convicted of a Class B misdemeanor for driving while intoxicated who had successfully completed all alcohol and/or drug treatment and counseling programs and who had no other alcohol related offenses, to petition the court to reduce the conviction to a violation. The section read that "the court in which the person was convicted may reduce the conviction to a violation upon a motion filed by either party". It was discussed at that time that if all conditions had been met, the court should reduce the conviction and this bill changes "may" to "shall" so that those persons convicted for the first time of driving while intoxicated, who have successfully completed the above programs, will not have a criminal record. Vote 14-2.

Amendment (0183h)

Amend the bill by replacing section 1 with the following:

1 Penalties for Intoxication or Under Influence of Drug Offenses; Conviction Classification Reduction. Amend RSA 265:82-b, I(a)(6) to read as follows:

(6) The court in which the person was convicted ~~[may] shall~~ reduce the conviction to a violation upon a motion filed by either party at least one year after the date ~~[of the conviction. In deciding whether to reduce the conviction to a violation, the court may consider the person's subsequent driving record, any evidence of drug or alcohol treatment, the hardship that having a criminal record may cause for the person, and any other factors that the court deems relevant] that the person successfully completed all of the requirements of subparagraph I(a), provided that the person has not subsequently been arrested for any alcohol-related or drug-related offense. No person who was convicted under subparagraph I(a) because a second or subsequent offense was reduced to a first offense shall be eligible to have the conviction reduced to a violation.~~

Adopted.

Committee report adopted and ordered to third reading.

HB 76, revising the process of charter school approval by the state board of education. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen R. L'Heureux for the Majority of Education: This bill makes two clarifications in the charter school funding law. The first clarification addresses the payment to be made for the student's fiscal year of attendance. The second clarification eliminates the reference to the Department of Education regarding payment of tuition to the charter school. The committee voted ought to pass 11-8. Vote 11-8.

Rep. Claire D. Clarke for the Minority of Education: Although public charter schools for specific education exist, the funding procedure in this bill is flawed. The state funds charter schools with adequacy money. There is a two year delay in adequacy aid and this bill requires the school district to immediately give the charter school an adequacy amount for students who may not have been in the school district's count. Some students may have been home schooled or in a private school and now choose to enroll in a charter school, thus the district never received state funds for these students. The minority therefore believes that public schools should not have to use their adequacy money to pay charter schools in advance.

Rep. Stephen L'Heureux moved recommit to committee.

Adopted.

Recommitted to the Committee on Education.

CACR 2, relating to the appointment of judges. Providing that judges shall be appointed to 5-year terms of office which may be renewed. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: Numerous objections to this resolution were expressed by witnesses that the committee found persuasive: A five-year term would barely be long enough for a judge to learn the craft and would be so short as to discourage many qualified lawyers from leaving private practice for judicial office. Judicial retirement benefits do not vest until a judge has served for ten years. A three-term governor could, in theory, appoint every judge in the state. The administrative task to vet, nominate and confirm judicial appointments would be burdensome to the governor, executive council and their staffs. High turnover would lead to trial scheduling problems and greatly increased training expenses. Worst of all, judgeships would become objects of a political spoils system, and judges would be subjected to the very temptation to avoid controversial issues and to subordinate their judgments to political pressure that it was the objective of the British Parliament to end, when, in 1689, it created the Anglo-American concept of judicial independence; that is, tenure in office during good behavior. Vote 17-1.

Reps. Cady and Kennedy spoke against.

Reps. Sorg and Hess spoke in favor.

Rep. Pratt spoke in favor and yielded to questions.

Rep. Kennedy requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 315 NAYS 37**YEAS 315****BELKNAP**

Allen, Janet
Millham, Alida
Rosen, Ralph
Whalley, Michael

Clark, Charles
Morrison, Gail
Thomas, John

Fitzgerald, James
Nedeau, Stephen
Tilton, Franklin

Heald, Bruce
Pilliod, James
Veazey, John

CARROLL

Ahlgren, Christopher
Chandler, Gene
McConkey, Mark
Stevens, Stanley

Babson, David Jr
Dickinson, Howard
Morrow, Harry

Brown, Carolyn
Knox, J David
Patten, Betsey

Buco, Thomas
Martin, James
Philbrick, Donald

CHESHIRE

Allen, Peter
Eaton, Daniel

Butcher, Suzanne
Emerson, Susan

Chase, William
Espiefts, Peter

Dunn, J Timothy
Hogancamp, Deborah

Hunt, John
 Plifka, Stanley Jr
 Robertson, Timothy
 Weed, Charles

Mitchell, Bonnie
 Pratt, John
 Sawyer, Sheldon

Parkhurst, Henry
 Richardson, Barbara
 Sinclair, Stephanie

Pelkey, Stephen
 Roberts, Kris
 Tilton, Anna

COOS

Buzzell, Bernard
 Morneau, Renney
 Theberge, Robert

King, Frederick
 Remick, William

Mears, Edgar
 Richardson, Herbert

Merrick, Scott
 Stohl, Eric

GRAFTON

Alger, John
 Dorsett, Andrew
 Hammond, Lee
 Mirski, Paul
 Sokol, Hilda
 Williams, Burton

Almy, Susan
 Eaton, Stephanie
 Harding, A Laurie
 Mulholland, Catherine
 Solomon, Peter

Benn, Bernard
 Gionet, Edmond
 Ingbretson, Paul
 Naro, Debra
 Sorg, Gregory

Cooney, Mary
 Ham, Bonnie
 McLeod, Martha
 Nordgren, Sharon
 Ward, John

HILLSBOROUGH

Allan, Nelson
 Beaulieu, Jane
 Buhlman, David
 Carlson, Donald
 Christensen, D L Chris
 Clemons, Jane
 Daniuk, Caitlin
 Egbers, Fran
 Foster, Linda
 Gibson, John
 Gorman, Mary
 Harvey, Suzanne
 Hinkle, Peyton
 Jasper, Shawn
 Kurk, Neal
 Manney, Pamela
 Messier, Irene
 O'Brien, William
 Pilotte, Maurice
 Rosenwald, Cindy
 Scanlon, Michael
 Slocum, Lee
 Sullivan, Peter
 Velez, Hector

Baines, Stephen
 Bergin, Peter
 Calawa, Leon Jr
 Carter, Mark
 Christiansen, Lars
 Cote, David
 DeVries, Betsi
 Elliott, Larry
 Francoeur, Bea
 Golding, William
 Graham, John
 Hawkins, Ken
 Hirschmann, Keith
 Jean, Claudette
 L'Heureux, Robert
 Matarazzo, Anthony Sr
 Michon, Stephen
 O'Connell, Timothy
 Price, Pamela
 Ross, Lawrence
 Schulze, Joan
 Smith, David
 Tahir, Saghir
 Villeneuve, Maurice

Baroody, Benjamin
 Brassard, Paul
 Campbell, David
 Chabot, Robert
 Clark, Mark
 Cote, Peter
 Dokmo, Cynthia
 Elliott, Nancy
 Gargasz, Carolyn
 Goley, Jeffrey
 Hall, Betty
 Hebert, Raymond
 Holden, Randolph
 Kelly, Eugene Jr
 Lasky, Bette
 McRae, Karen
 Mooney, Maureen
 Ober, Lynne
 Renzullo, Andrew
 Rowe, Robert
 Shaw, Barbara
 Stepanek, Stephen
 Ulery, Jordan
 Wheeler, Robert

Batula, Peter
 Brundige, Robert
 Carew, James
 Chase, Claudia
 Clayton, William
 Craig, James
 Drisko, Richard
 Emerton, Larry
 Garrity, Patrick
 Gonzalez, Carlos
 Hansen, Ryan
 Hellwig, Steve
 Hunter, Bruce
 Kopka, Angeline
 Lawrence, James
 Mead, Robert
 Movsesian, Lori
 Pappas, Christopher
 Rochette, Eric
 Ryder, Donald
 Shaw, Kimberly
 Sullivan, Francis
 Vaillancourt, Steve

MERRIMACK

Anderson, Eric
 Clarke, Claire
 DeStefano, Stephen
 Hager, Elizabeth
 L'Heureux, Stephen
 Maxfield, Roy
 Potter, Frances
 Ryan, Jim
 Wallner, Mary Jane

Blanchard, Elizabeth
 Currier, David
 Foose, Robert
 Hamm, Christine
 Lockwood, Priscilla
 McMahon, Patricia
 Reardon, Tara
 Shurtleff, Stephen
 Walz, Mary Beth

Bouchard, Candace
 Danforth, James
 French, Barbara
 Hess, David
 MacKay, James
 Osborne, Jessie
 Reed, Dennis
 Tilton, Joy
 Whiting, Herbert

Brueggemann, Donald
 DeJoie, John
 Gile, Mary
 Kidder, David
 Marple, Richard
 Owen, Derek
 Rush, Deanna
 Tupper, Frank
 Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
 Blanchard, MaryAnn

Asselin, Michael
 Bridle, Russell

Belanger, Ronald
 Buxton, Donald

Bettencourt, David
 Cali-Pitts, Jacqueline

Camm, Kevin
 Coburn, James
 Dodge, Robert
 Fesh, Bob
 Gilbert, Karl
 Headd, James
 Johnson, Robert
 Kobel, Rudolph
 McKinney, Betsy
 O'Neil, Michael
 Parker, Benjamin
 Rolston, James
 Smith, Paul
 Waterhouse, Kevin
 Weyler, Kenneth

Carson, Sharon
 Cooney, Richard
 Dowd, John
 Flanders, John Sr
 Gillick, Thomas
 Hopfgarten, Paul
 Johnson, Rogers
 Langley, Jane
 Morris, Richard
 Packard, Sherman
 Powers, James
 Sanders, Elisabeth
 Splaine, James
 Weare, E Albert
 Wiley, Robert

Casey, Kimberley
 Dalrymple, Janeen
 Dowling, Patricia
 Flockhart, Eileen
 Gould, Kenneth
 Hughes, Daniel
 Katsakiores, George
 Lund, Howie
 Norelli, Terie
 Palazzo, Frank
 Rausch, James
 Scamman, Stella
 Stiles, Nancy
 Welch, David
 Winchell, George

Charron, Gene
 DiFruscia, Anthony
 Doyle, Christopher
 Francoeur, Sheila
 Griffin, Mary
 Hutchinson, Karen
 Katsakiores, Phyllis
 Major, Norman
 Nowe, Ronald
 Pantelakos, Laura
 Robertson, Carl
 Serlin, Christopher
 Stone, Joseph
 Wells, Roger
 Zolla, William

STRAFFORD

Albert, Russell
 Cataldo, Sam
 Easson, Timothy
 Hilliard, Dana
 Knowles, William
 Schmidt, Peter
 Taylor, Katherine

Bickford, David
 Chaplin, Duncan
 Goodwin, Earle
 Hofemann, Roland
 Miller, Joseph
 Smith, Marjorie
 Taylor, Kathleen

Brown, Jennifer
 Creteau, Irene
 Grassie, Anne
 Johnson, Nancy
 Rollo, Michael
 Snyder, Clair
 Wall, Janet

Brown, Julie
 Dunlap, Patricia
 Heon, Richard
 Kaen, Naida
 Rous, Emma
 Spang, Judith

SULLIVAN

Cloutier, John
 Franklin, Peter
 Jillette, Arthur Jr

Converse, Larry
 Gale, Harry
 Phinizz, James

Donovan, Thomas
 Houde-Quimby, Charlotte
 Prichard, Stephen

Ferland, Brenda
 Irish, Christopher
 Rodeschin, Beverly

NAYS 37

BELKNAP

Boyce, Laurie

Wendelboe, Fran

CARROLL

CHESHIRE

None

COOS

None

GRAFTON

Barker, Robert

HILLSBOROUGH

Adams, Jarvis IV
 Boehm, Ralph
 Hagan, Barbara
 Souza, Kathleen

Balboni, Michael
 Crane, Elenore Casey
 Infantine, William
 Wheeler, James

Bergeron, Jean-Guy
 Dyer, Donald
 Johnson, Paula

Biundo, Michael
 Goyette, Peter Jr
 Pepino, Leo

MERRIMACK

Field, William

Kennedy, Richard

Langlais, Thomas

Soltani, Tony

ROCKINGHAM

Allen, Mary
 Dumaine, Dudley
 Manning, John
 Quandt, Matthew

Bicknell, Elbert
 Garrity, James
 Moody, Marcia

Cady, Harriet
 Ingram, Russell
 Putnam, Ed II

Donahue, Richard Ken
 Itse, Daniel
 Quandt, Marshall Lee

STRAFFORD

Cilley, Jacalyn

Newton, Clifford

SULLIVAN

None

and the committee report was adopted by the constitutionally required three-fifths vote.

Rep. Coughlin declared a conflict of interest and did not participate.

HB 427, repealing common law marriage. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. John B. Hunt for the Majority of Judiciary: New Hampshire does not recognize common law marriage, as that term is generally known. However, for the limited purpose of establishing inheritance rights, New Hampshire does have a Cohabitation statute that dates back to our original 1842 revised statutes. It reads: Persons cohabitating and acknowledging each other as husband and wife, and generally reputed to be such, for the period of 3 years, and until the decease of one of them, shall thereafter be deemed to have been legally married." To qualify as a spouse for purposes of inheritance, the survivor must prove all three elements set forth in the law. Clearly the requirements of this law ensure that it is rarely used today but its original intent is still applicable. No surviving spouse should be deprived of inheritance rights if his or her spouse were to die and they were not lawfully married. The committee heard no evidence that this ancient law was being abused. Vote 17-5.

Rep. Gregory M. Sorg for the Minority of Judiciary: When the original predecessor of RSA 457:39 was enacted in the nineteenth century, under the mores of the time cohabitation was relatively rare, and cohabitating couples overwhelmingly would wish to be, and would be, reputed as married. Now, however, that it is normal and accepted for couples to live together without benefit of marriage, the nature of a couple's commitment to each other can be ambiguous, not just to the community, but even to themselves and their families. This is an invitation to confusion and discord over the administration of the estate of the first one of them to die, with that first one no longer available to testify. The minority believes that the concept known as common law marriage has outlived its usefulness and should be abolished. If couples desire the advantages of marriage, they should get married.

Reps. Bickford and Sorg spoke against.

Rep Hunt spoke in favor.

Rep. Espieffs spoke and yielded to questions.

On a division vote, 270 members having voted in the affirmative and 81 in the negative, the committee report was adopted.

HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. David L. Buhlman for the Majority of Municipal and County Government: Town clerks have been required to supply three Department of Health and Human Services brochures to couples applying for a marriage license: one on family planning, one on fetal alcohol syndrome, and one on HIV prevention. In addition to handing these brochures to the couples, the town clerks are required to get an affidavit, signed by the couple, acknowledging that they have received and discussed the information in the brochures. The Majority of the committee felt that this requirement puts an unnecessary burden on already busy town clerks, and that there are any number of other worthy brochures that could be handed out to marriage license applicants, such as prevention of various types of cancer, and financial planning. All such guidance-related information is readily available from sources other than town clerks so it's prudent to relieve our busy town clerks of this responsibility. Vote 14-4.

Rep. Jessie L. Osborne for the Minority of Municipal and County Government: The minority believes that this bill should be amended to only repeal the part of RSA 457:23 Section II which requires an affidavit to be signed and a discussion of the brochure for Fetal Alcohol Syndrome be affirmed before a marriage license is issued by the clerk of the municipality. The minority feels that important medical and prevention information regarding fetal alcohol syndrome and HIV should continue to be handed out to help prevent these diseases which harm infants and adults.

Fetal alcohol syndrome and HIV cause the state to expend large amount of funds to treat and take care of the victims of these diseases. Prevention through information and education is the best way to begin to eliminate these preventable diseases. The state provides these brochures in an envelope and the discussion and the signing of an affidavit are not necessary to ensure the dissemination of vital information to those of child bearing age who might not have had health education classes in school.

Majority Amendment (0152h)

Amend the bill by replacing all after the enacting clause with the following:

I Protection for Maternity and Infancy; Brochure on Fetal Alcohol Syndrome. Amend RSA 132:2, XI to read as follows:

XI. Prepare, in conjunction with the office of alcohol and drug abuse prevention, a brochure which provides information relative to fetal alcohol syndrome ~~[to persons applying for a marriage license and make such brochure available to town and city clerks for distribution under RSA 457:23, H].~~

2 Repeal. The following are repealed:

I. RSA 141-F:3, XIII, relative to the informational brochure concerning the human immunodeficiency virus, prepared by the department of health and human services, for persons applying for a marriage license.

II. RSA 457:23, II and III, relative to the requirement that persons applying for a marriage license receive a brochure concerning fetal alcohol syndrome and the human immunodeficiency virus.

III. RSA 457:28-a, relative to the list of family planning services provided by the town clerk to persons applying for a marriage license.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill repeals the requirement that the town clerk distribute family planning service lists and brochures on fetal alcohol syndrome and human immunodeficiency virus to marriage license recipients. Majority amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 407-FN-L, relative to licensing of dogs. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Nancy K. Johnson for the Majority of Municipal and County Government: This bill increases dog licensing fees by \$2.00. This fee has not been increased in a number of years. In 1995, laws were changed to require veterinarians to notify the city/town clerk when a dog receives a rabies vaccination. The clerk then has to check records and keep track of who has and who has not got a license. The change has created a more labor intensive process for the clerk. The majority of the committee felt that this small fee increase was reasonable. Vote 12-4.

Rep. Andrew Renzullo for the Minority of Municipal and County Government: The minority believes that an increase in a license fee is a tax by another name. In addition, this increase is mandated by the state without a local option. Finally, this bill places the burden totally on dog owners. Presently, \$2.00 of the dog licensing fee goes to the spay/neutering program. Yet cats use the program at a 3 to 1 ratio. Thus dog owners are, in effect, forced to subsidize cat owners. Passage of this bill would only exacerbate this inequity.

Rep. Tahir requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 188 NAYS 159

YEAS 188

BELKNAP

Fitzgerald, James
Pilliod, James

Millham, Alida
Rosen, Ralph

Morrison, Gail
Thomas, John

Nedeau, Stephen
Tilton, Franklin

CARROLL

Brown, Carolyn
Martin, James
Stevens, Stanley

Buco, Thomas
McConkey, Mark

Dickinson, Howard
Olimpio, J Lisbeth

Knox, J David
Patten, Betsey

CHESHIRE

Allen, Peter
Espiefs, Peter
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Hogancamp, Deborah
Roberts, Kris

Chase, William
Mitchell, Bonnie
Robertson, Timothy

Eaton, Daniel
Plifka, Stanley Jr
Sawyer, Sheldon

COOS

Buzzell, Bernard
Remick, William

King, Frederick
Stohl, Eric

Mears, Edgar
Theberge, Robert

Merrick, Scott

GRAFTON

Almy, Susan
Dorsett, Andrew
McLeod, Martha
Sokol, Hilda

Barker, Robert
Ham, Bonnie
Mulholland, Catherine
Sorg, Gregory

Benn, Bernard
Hammond, Lee
Naro, Debra

Cooney, Mary
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Beaulieu, Jane
Carter, Mark
Craig, James
Drisko, Richard
Gargas, Carolyn
Graham, John
Hunter, Bruce
Matarazzo, Anthony Sr
Moran, Edward
Pilotte, Maurice
Scanlon, Michael
Sullivan, Peter

Bergin, Peter
Chabot, Robert
Daniuk, Caitlin
Egbers, Fran
Garrity, Patrick
Hall, Betty
Jean, Claudette
Messier, Irene
O'Connell, Timothy
Price, Pamela
Schulze, Joan
Vaillancourt, Steve

Brundige, Robert
Chase, Claudia
DeVries, Betsi
Emerton, Larry
Golding, William
Harvey, Suzanne
Kopka, Angeline
Michon, Stephen
Ober, Lynne
Rosenwald, Cindy
Shaw, Barbara
Velez, Hector

Campbell, David
Clayton, William
Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Hawkins, Ken
Manney, Pamela
Mooney, Maureen
Pappas, Christopher
Ryder, Donald
Smith, David
Villeneuve, Maurice

MERRIMACK

Bouchard, Candace
French, Barbara
Kidder, David
McMahon, Patricia
Reed, Dennis
Tilton, Joy
Yeaton, Charles

Bueggemann, Donald
Gile, Mary
Lockwood, Priscilla
Osborne, Jessie
Rush, Deanna
Wallner, Mary Jane

Field, William
Hamm, Christine
MacKay, James
Potter, Frances
Ryan, Jim
Walz, Mary Beth

Foose, Robert
Hess, David
Maxfield, Roy
Reardon, Tara
Shurtleff, Stephen
Whiting, Herbert

ROCKINGHAM

Allen, Mary
Buxton, Donald
Cooney, Richard
Doyle, Christopher
Gillick, Thomas
Major, Norman
Norelli, Terie
Parker, Benjamin
Serlin, Christopher
Weyler, Kenneth

Asselin, Michael
Cali-Pitts, Jacqueline
Dodge, Robert
Flanders, John Sr
Gould, Kenneth
McKinney, Betsy
O'Neil, Michael
Powers, James
Splaine, James

Belanger, Ronald
Casey, Kimberley
Dowd, John
Flockhart, Eileen
Griffin, Mary
Moody, Marcia
Palazzo, Frank
Rolston, James
Waterhouse, Kevin

Blanchard, MaryAnn
Coburn, James
Dowling, Patricia
Francoeur, Sheila
Katsakiores, George
Morris, Richard
Pantelakos, Laura
Sanders, Elisabeth
Weldy, Norman

STRAFFORD

Albert, Russell
Goodwin, Earle
Hofemann, Roland
Miller, Joseph
Smith, Marjorie

Brown, Jennifer
Grassie, Anne
Johnson, Nancy
Rollo, Michael
Snyder, Clair

Creteau, Irene
Heon, Richard
Kaen, Naida
Rous, Emma
Spang, Judith

Dunlap, Patricia
Hilliard, Dana
Knowles, William
Schmidt, Peter
Wall, Janet

SULLIVAN

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Prichard, Stephen

Gale, Harry

NAYS 159**BELKNAP**

Allen, Janet
Veazey, John

Boyce, Laurie
Wendelboe, Fran

Clark, Charles
Whalley, Michael

Tobin, William

CARROLL

Ahlgren, Christopher
Philbrick, Donald

Babson, David Jr

Chandler, Gene

Morrow, Harry

CHESHIRE

Dunn, J Timothy
Pelkey, Stephen

Emerson, Susan
Pratt, John

Hunt, John
Sinclair, Stephanie

Parkhurst, Henry
Tilton, Anna

COOS

Morneau, Renney

Richardson, Herbert

GRAFTON

Alger, John
Mirski, Paul

Eaton, Stephanie
Ward, John

Gionet, Edmond
Williams, Burton

Ingbretson, Paul

HILLSBOROUGH

Adams, Jarvis IV
Baroody, Benjamin
Boehm, Ralph
Carlson, Donald
Clemons, Jane
Crane, Elenore Casey
Francoeur, Bea
Goyette, Peter Jr
Hellwig, Steve
Infantine, William
Kurk, Neal
McRae, Karen
Pepino, Leo
Shaw, Kimberly
Sullivan, Francis

Allan, Nelson
Batula, Peter
Buhlman, David
Christensen, D L Chris
Cote, David
Dyer, Donald
Gibson, John
Hagan, Barbara
Hinkle, Peyton
Jasper, Shawn
L'Heureux, Robert
Mead, Robert
Renzullo, Andrew
Slocum, Lee
Tahir, Saghir

Baines, Stephen
Bergeron, Jean-Guy
Calawa, Leon Jr
Christiansen, Lars
Cote, Peter
Elliott, Larry
Gonzalez, Carlos
Hansen, Ryan
Hirschmann, Keith
Johnson, Paula
Lasky, Bette
Movsesian, Lori
Rochette, Eric
Souza, Kathleen
Ulery, Jordan

Balboni, Michael
Biundo, Michael
Carew, James
Clark, Mark
Coughlin, Pamela
Elliott, Nancy
Gorman, Mary
Hebert, Raymond
Holden, Randolph
Kelly, Eugene Jr
Lawrence, James
O'Brien, William
Rowe, Robert
Stepanek, Stephen
Wheeler, James

MERRIMACK

Anderson, Eric
DeJoie, John
Langlais, Thomas

Blanchard, Elizabeth
DeStefano, Stephen
Marple, Richard

Clarke, Claire
Kennedy, Richard
Soltani, Tony

Danforth, James
L'Heureux, Stephen
Tupper, Frank

ROCKINGHAM

Abbott, Dennis
Cady, Harriet
Dalrymple, Janeen
Fesh, Bob
Hopfgarten, Paul
Itse, Daniel
Kobel, Rudolph
Nowe, Ronald
Quandt, Matthew
Smith, Paul
Welch, David
Zolla, William

Bettencourt, David
Camm, Kevin
DiFruscia, Anthony
Garrity, James
Hughes, Daniel
Johnson, Robert
Langley, Jane
Packard, Sherman
Rausch, James
Stiles, Nancy
Wells, Roger

Bicknell, Elbert
Carson, Sharon
Donahue, Richard Ken
Gilbert, Karl
Hutchinson, Karen
Johnson, Rogers
Lund, Howie
Putnam, Ed II
Robertson, Carl
Stone, Joseph
Wiley, Robert

Bridle, Russell
Charron, Gene
Dumaine, Dudley
Headd, James
Ingram, Russell
Katsakiores, Phyllis
Manning, John
Quandt, Marshall Lee
Scamman, Stella
Weare, E Albert
Winchell, George

STRAFFORD

Bickford, David
Easson, Timothy

Brown, Julie
Newton, Clifford

Cataldo, Sam
Taylor, Katherine

Chaplin, Duncan
Taylor, Kathleen

SULLIVAN

Cloutier, John

Converse, Larry

Irish, Christopher

Phinizy, James

Rodeschin, Beverly

and the majority committee report was adopted.

Referred to Ways and Means.

HB 304-FN-A, relative to federal highway grant anticipation bonds. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James B. Rausch for the Majority of Public Works and Highways: This bill is enabling legislation that will allow the state to issue federal highway grant anticipation bonds, sometimes known as "Garvee Bonds", for the purpose of financing costs relating to the widening of I-93. The bonds are secured with federal transportation grants and allow the Department of Transportation to receive funds in anticipation of the federal grants. The bonds will be incrementally issued for the difference between the allocated dollars in the 10-Year Transportation Plan, as enacted into law in HB 2004, of the 2004 legislative session and the amount required to construct the project under an accelerated six year construction plan as recommended by the Department of Transportation. The aggregate bonding cannot exceed 195 million dollars. This bill further allows for the resale of surplus property, purchased for the widening of I-93, to pay for the 22 million dollar expense related to the issuance of the bonds. As a result, the ten-year highway plan will not be materially affected by the utilization of these grant anticipation bonds. The committee recognized the severe safety issue involved in delay of the I-93 project and passed the bill with strong bipartisan support. Vote 14-1.

Rep. Candace C.W. Bouchard for the Minority of Public Works and Highways: The minority respects the laudable goal to accelerate the construction time frame of I-93 from Salem to Manchester. However, Garvee Bonds is a significant change in the state transportation funding policy, from pay as you go bonding using federal transportation grant dollars to bonding against the future anticipated federal grant. The 10-Year Transportation Plan is currently under funded pushing projects out 14 - 16 years. The minority is concerned that the cost of the Garvee Bonds \$22 million interest due at maturity in 10 years could potentially delay other much needed transportation projects. Currently, NH DOT does not know how much the state will be receiving in Federal Transportation Grant Funds. The state will receive the grant, but it is unknown if the dollars received will be more, the same or less. Allowing Garvee Bonds to be used for this major construction project sets a precedent for future use of other transportation projects. The issuance of Garvee Bonds is a policy change to accept risk over the long term for short term gain from a major project, a shift from New Hampshire's conservative fiscally sound approach.

Majority committee report adopted.

Referred to Finance.

HB 603-FN-A, relative to the state's purchase of the Laconia district courthouse building and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin T. Tilton for Public Works and Highways: This bill appropriates \$1 for the purchase of the Laconia District Courthouse building and associated land. This is an historic building first used as a high school. Since 1978, the state has leased the first floor and basement from the city for use as a district court. A renovation project is being considered in the capital budget. If the building is no longer used for state-related offices, the city has the right to purchase it for fair market value minus the fair market value as of July 1, 2005. Vote 11-2.

Amendment (0323h)

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Administrative Services. The sum of \$1 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2006, for the purpose of purchasing the Laconia district courthouse building and land appurtenant to the building, as identified on map 449, block 2, lot 26, on July 1, 2005. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. If at any time after the purchase takes effect, the building is not used for state-related offices, the city of Laconia shall have the right to purchase the building and land appurtenant to the building for the fair market value less the fair market value of the building and land on July 1, 2005. In this section, "fair market value" means fair market value as determined by an appraisal conducted by the state of New Hampshire.

Adopted.

Committee report adopted and ordered to third reading.

Rep. Goughlin declared a conflict of interest and did not participate.

BILLS REMOVED FROM CONSENT CALENDAR

HB 227, relative to undeclared voters at primary elections. **INEXPEDIENT TO LEGISLATE**
 Rep. Jane A. Clemons for Election Law: This bill would eliminate the requirement that an undeclared voter must register as a member of a party to vote in a primary election. Our multi-party system encourages debate and criticism. Presently, both parties allow all undeclared voters to vote in primary elections. RSA 654:34 Change of Registration states in II-a, "Any legal voter who has been registered as an undeclared voter may register as the member of the party of the voter's choice by appearing before the supervisors of the checklist and stating to them under oath or affirmation, if required, that the voter intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case the voter shall be registered as a member of such party." With this protection in statute, the majority of the committee felt that there was no impediment to undeclared voters changing registration. Vote 14-1.

Rep. Vaillancourt spoke against.

Reps. Clemons, Splaine and Whalley spoke in favor.

On a division vote, 256 members having voted in the affirmative and 87 in the negative, the committee report was adopted.

HB 277, relative to special elections for executive councilor, state senator, and state representative. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Forsing for Election Law: This bill would prohibit special elections for executive councilor, state senator and state representative after March 15 of the second year of the biennium. The time line governing special elections would preclude the newly elected person from providing effective representation for more than a brief period prior to the ensuing regular election cycle. Vote 14-0.

Rep. Whalley spoke against.

The committee report failed.

Rep. Whalley moved Ought to Pass.

Adopted and ordered to third reading.

HB 260-FN, relative to motor vehicle equipment and registration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: This bill revises and updates certain motor vehicle laws. Changes RSA 21-P: 9 III to read "a financial responsibility supervisor" instead of "administrator." It allows eligible non-profit corporations operating transportation services for elderly or disabled persons to purchase from the state motor fuel inventory. It allows a non-profit corporation that uses the vehicles exclusively for the transportation of the elderly or disabled to a refund of any road tolls paid. It allows the Director of Motor Vehicles to issue a license for less than five years. It requires any car affixed with a dealer plate to have a current state inspection sticker. It allows for the use of white cab lights on pickup trucks. New Hampshire law allows trucks to carry loads up to 99,000 pounds on state roads. This amendment is needed to conform with federal law that allows trucks with loads up to 99,000 pounds to travel on our interstates. It bars the counterfeiting or duplication of number plates. Vote 11-0.

Amendment (0299h)

Amend the bill by replacing all after section 10 with the following:

11 New Paragraph; Weight on Interstate and Defense Highway System; Additional Weight.
 Amend RSA 266:18 by inserting after paragraph II the following new paragraph:

III. Notwithstanding paragraphs I and II, for as long as exemptions exist in 23 U.S.C. section 127 that allow maximum gross weights of up to 99,000 pounds on interstate routes 89, 93, and 95 of the interstate and defense highway system, the provisions of RSA 266:18-a regarding weight on the non-interstate and general highway system shall also apply to vehicles or combination vehicles while being operated on any sections of interstate routes 89, 93, or 95 not posted by the commissioner of transportation for lower weights. Such vehicles shall not exceed the weight limits in paragraphs I and II unless they have been certified pursuant to RSA 266:18-d for the higher weights and paid the required fee the same as vehicles operating on the non-interstate highways as provided in RSA 266:18-d, and police officers shall not be required to allow any tolerance above these limitations on such highways.

12 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Changes the name of the financial responsibility administrator to the financial responsibility supervisor.

II. Permits certain nonprofit corporations to purchase motor fuel from the motor fuel inventory and to receive road toll refunds.

III. Prohibits counterfeiting or duplication of number plates.

IV. Authorizes drivers' licenses issued for less than 5 years.

V. Requires inspections for vehicles with dealer plates.

VI. Permits white identification lights on certain vehicles.

VII. Authorizes additional vehicle weights on certain highways consistent with federal law.

This bill is a request of the department of safety.

Adopted.

Rep. Pepino inquired if HB 260 was divisible and requested that Section 8 be divided from the bill.

The Speaker ruled the bill was divisible and, without objection, so ordered.

The question now being adoption of Section 8.

Rep. Pepino spoke against.

On a division vote 18 members having voted in the affirmative and 318 in the negative, the adoption of Section 8 failed.

The question now being adoption of the remainder of the bill.

Adopted.

Referred to Ways and Means.

HB 461-FN, establishing number plates supporting New Hampshire public higher education.
INEXPEDIENT TO LEGISLATE

Rep. James W. Danforth for Transportation: This bill does not ask for one plate but wants to create three new specialty license plates. One each for UNH, Keene and Plymouth universities. Going on the experience we have with the conservation plate and veteran plate, there would not be enough of these plates sold to make any money. If we were to allow issuance of these plates we would be compelled to allow the issuance of plates for any other college or university in the state. This would open the door to service clubs like the Lions, Kiwanis and Rotary to seek plates. License plates are for identification. Let us not go down the road that states like Florida have done and create a plate for every group that wants a plate. Vote 13-0.

Rep. Francis Sullivan spoke against.

Rep. Packard spoke in favor.

On a division vote, 250 members having voted in the affirmative and 78 in the negative, the committee report was adopted.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the House Rules be so far suspended as to permit introduction after the deadline of **HB 719**, recodifying the Articles 1 and 7 of the Uniform Commercial Code, and **House Resolution 15**, affirming revenue estimates for fiscal years 2005, 2006 and 2007, and to permit consideration at the present time of **HR 15**, without the required referral to committee, printing, public hearing or report.

Adopted by the necessary two-thirds.

RESOLUTION

Reps. O'Neil and Craig offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 719, shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee, and House Resolution numbered 15 shall be read a first and second time by its therein listed title. Adopted.

INTRODUCTION OF HOUSE BILL and HR 15

First, second reading and referral

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code. (Hess, Merr 9; Dokmo, Hills 6; Kurk, Hills 7; Craig, Hills 9; Rowe, Hills 6; Foster, Dist 13; Flanders, Dist 7; Gottesman, Dist 12; Hassan, Dist 23: Commerce)

First, and second reading

HR 15, affirming revenue estimates for fiscal years 2005, 2006 and 2007. (Major, Rock 8)

HOUSE RESOLUTION 15

affirming revenue estimates for fiscal years 2005, 2006 and 2007.

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2005, 2006, and 2007 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2005, 2006, and 2007.

Committee estimates are based on current rates.

GEN'L & ED TRUST FUNDS: (Dollars in Millions)	(A)	(B)	(C)	(D)	(E)
	Official Estimate	FY 2005 Committee Estimate	Variance	FY 2006 Official Estimate	FY 2007 Committee Estimate
(1) Business Profits Tax	\$234.900	\$254.200	\$19.300	\$266.900	\$280.200
(2) Business Enterprise Tax	180.100	184.800	4.700	194.100	203.800
(3) Subtotal	415.000	439.000	24.000	461.000	484.000
(4) Meals & Rooms Tax	191.200	194.600	3.400	205.300	216.600
(5) Liquor Sales	114.500	113.500	(1.000)	118.700	124.100
(6) Interest & Dividends Tax	64.000	58.400	(5.600)	61.900	65.600
(7) Insurance Tax	65.600	67.400	1.800	91.500	94.300
(8) Tobacco Tax	94.900	100.000	5.100	100.000	100.000
(9) Other	54.400	55.500	1.100	57.100	58.800
(10) Communications Tax	69.000	68.500	(0.500)	71.300	74.100
(11) Estate & Legacy Tax	11.400	11.400	0.000	6.800	4.100
(12) Real Estate Transfer Tax	123.500	157.300	33.800	165.200	170.200
(13) Court Fines & Fees	25.900	25.900	0.000	25.000	25.000
(14) Utility Tax	6.200	6.200	0.000	6.400	6.600
(15) Securities Revenue	28.000	29.000	1.000	30.000	31.500
(16) Board & Care Revenue	11.400	10.400	(1.000)	12.900	13.400
(17) Beer Tax	13.200	12.500	(0.700)	12.500	12.500
(18) Horse Racing	1.800	2.300	0.500	2.400	2.400
(19) Dog Racing	1.750	1.500	(0.250)	1.500	1.500
(20) Tobacco Settlement Funds	39.600	39.600	0.000	36.600	36.600
(21) SUBTOTAL	\$1,351.350	\$1,413.000	\$61.650	\$1,466.100	\$1,521.300
(22) Other Medicaid Enhancement	22.800	32.300	9.500	0.000	0.000
(23) Net Medicaid Enhancement Revenue	146.600	145.500	(1.100)	73.000	75.800
(24) Utility Property Tax	20.500	21.500	1.000	22.800	24.100
(25) Statewide Property Tax	373.519	371.300	(2.219)	371.300	371.300
(26) Transfers from Sweepstakes	71.000	72.200	1.200	73.100	73.200
(27) Medicaid Recovery Regular Care	14.100	19.600	5.500	15.000	14.200
(28) Medicaid Recovery Long Term Care	1.700	1.960	0.260	1.950	1.850
(29) TOTAL	\$2,001.569	\$2,077.360	\$75.791	\$2,023.250	\$2,081.750

	(A) FY 2005	(B)	(C)	(D) FY 2006	(E) FY 2007
HIGHWAY FUNDS: (Dollars in Millions)	Official Estimate	Committee Estimate	Variance	Official Estimate	Committee Estimate
(1) Road Toll	\$127.000	\$130.600	\$3.600	\$132.000	\$134.200
(2) Motor Vehicle Fees	93.700	95.600	1.900	87.200	93.900
(3) Miscellaneous	6.100	6.100	0.000	6.100	6.100
(4) TOTAL HIGHWAY FUNDS	\$226.800	\$232.300	\$5.500	\$225.300	\$234.200
FISH & GAME FUNDS: (Dollars in Millions)					
(5) Fish & Game Licenses	\$8.300	\$8.300	\$0.000	\$8.300	\$8.300
(6) Miscellaneous	1.300	0.900	(0.400)	1.200	1.200
(7) TOTAL FISH & GAME FUNDS	\$9.600	\$9.200	(\$0.400)	\$9.500	\$9.500

Rep. Major moved Ought To Pass and spoke in favor.
Adopted.

LAID ON THE TABLE

Rep. Major moved that *HR 15*, affirming revenue estimates for fiscal years 2005, 2006 and 2007, be laid on the table.
Adopted.

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 9, 2005 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

- HB 128-FN*, relative to negligent operation of a carnival or amusement ride.
- HB 204-FN*, relative to unauthorized video surveillance.
- HB 439*, relative to registration requirements for criminal offenders.
- HB 150*, defining truancy.
- HB 434-FN*, requiring state agencies using automated answering systems to provide a method of access to a human being.
- HB 472*, relative to the definition of recreational program.
- HB 488*, establishing a task force on mental health costs.
- HB 43*, relative to state employees appearing before the legislature.
- HB 144-L*, relative to special elections for municipal charter amendments.
- HB 236*, relative to the time for filing a motion to rehear a zoning decision.
- HB 265*, relative to minutes of land use board meetings involving developments of regional impact.
- HB 266*, relative to the procedure for dismissal or suspension of a police chief.
- HB 263*, relative to the use of design build and construction management methods for state capital projects.
- HB 47*, regulating the use of computer spyware.
- HB 460-FN*, relative to the reimbursement to certain providers by the bureau of emergency communications.
- HB 242*, relative to falsification of motor vehicle applications filed with the department of safety.
- HB 286*, prohibiting the operation of pocket bikes and motorized scooters upon ways.
- HB 46-FN*, relative to penalties for first-time DWI offenders.

HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

HB 603-FN-A, relative to the state's purchase of the Laconia district courthouse building and making an appropriation therefor.

HB 277, relative to special elections for executive councilor, state senator, and state representative.

UNANIMOUS CONSENT

The Speaker introduced former House member the Honorable Alf E. Jacobson of New London, and requested Unanimous Consent of the House to allow former Representative Jacobson to address the House.

Rep. Weyler moved that the remarks made by the Honorable Alf E. Jacobson be printed in the Permanent Journal.

Adopted.

Hon. Alf E. Jacobson: Thank you, Mr. Speaker. This year marks sixty years that have passed since we began the Battle of Iwo Jima. That battle, of course, was one of the fiercest battles of World War II. It was acknowledged as being the most fierce in the Pacific and I do not know where there is anything in the European phase that was as fierce. Twenty-five thousand casualties on this island of 8 ½ square miles, approximately 7,000 killed, and 18,000 wounded. I was one of the lucky ones who went from the fifth wave of the day of the assault to the very last day, and I received not even a scratch. That, to me, has been one of the great blessings that I have had in my life.

I had a very special role at Iwo that most members did not have. I ended up after boot camp one day, and if any of you are Marines, and I understand there are some marines here also, you will know that until that final day you don't know what's going to happen to you and you are assigned to the various outfits that serve the Corps, be it Artillery, or Infantry, or Quartermaster, whatever; and so they would read off the names. I was listening for my name and I didn't hear my name. And I thought, "What in the world is going on?" So, in fear and trembling, and I mean "in fear and trembling," I went up to the D. I. and said, "I'm sorry, sir, but I didn't hear my name." And of course, I immediately got a blast which really said, "You stupid kid, why don't you listen?" He couldn't find my name and he was getting more mad, and I was getting more scared. Finally, he sees my name: Alf Jacobson, Japanese language school. He looks at it and reads it again—Japanese language school, what the hell is that? And that's how I got to Japanese language school.

Forty-one of us started that class; five finished after nine months. The basic reason was not that one was smarter than the other, but that too many Marines were more anxious for liberty than they were for learning Japanese.

And so I did have this great opportunity. I was first sent to a prison camp on the island of Oahu where I came in contact with Japanese soldiers who I had the opportunity to interview. Now, we rarely got an officer, most of the prisoners that we caught were farm boys who knew very little, except possibly their own unit. You will recall, I'm sure, at least some of you, that the Japanese, rather than surrender, would commit suicide and the reason was that they were told by their officers that it would be better to commit suicide than to submit to the torture and die anyway. I remember two little Japanese soldiers, and I could see that they were very nervous, and I said, "What are you nervous about? What is the problem?" *Nani wo mondai* in Japanese. They said, "When does the torture begin?" I said, "What torture?" "We were told never to surrender because we would be tortured to death." I said, "You can relax. You're not going to be tortured." And then they told me whatever information that they had.

It was a great and wonderful experience and when the war was over I was sent to Japan for the occupation. I was appointed the American Marine for the distribution of Japanese labor in the Sasebo area. And for the first and only time in my life, I could order people around.

I thank you for this opportunity to again speak to you. And I want to congratulate all of the new members of the House. I spent 30 years; 20 years in this House and 10 years in the Senate and it was a wonderful experience. If I only could have gotten down quicker and easier, I might still be here. Thank you.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 4:30 p.m.

RECESS

(Rep. Buco in the Chair)

RESOLUTION

Rep. Charles McMahon offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 720, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 720-FN, relative to special number plates. (L. Elliott, Hills 1; Rollo, Straf 2; Gibson, Hills 19; O'Neil, Rock 15; P. Smith, Rock 3; Morris, Rock 14: Transportation)

RECESS

(Rep. Kennedy in the Chair)

RESOLUTION

Rep. Hirschmann offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 721 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 721, prohibiting the department of education and the state board of education from adopting a definition of an adequate education. (Hess, Merr 9; O'Neil, Rock 15; Giuda, Graf 5; Patten, Carr 4: Education)

RECESS

(Rep. Price in the Chair)

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 20, 27, 36, 52, 55, 57, 87, 137, 153, 165 and 182 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS**First, second reading and referral**

SB 20-FN, relative to an increase in lottery ticket prices. (Ways and Means)

SB 27-FN, relative to an exemption from the annual inspection of health facilities. (Health, Human Services and Elderly Affairs)

SB 36-FN, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund. (Environment and Agriculture)

SB 52, establishing the state suggestion and extraordinary service award program. (Executive Departments and Administration)

SB 55, relative to the New Hampshire film and television commission and state promotional initiatives. (Executive Departments and Administration)

SB 57, establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties. (Health, Human Services and Elderly Affairs)

SB 87, relative to extension of tax liens by the department of revenue administration. (Ways and Means)

SB 137-FN-A, relative to the Conway Branch railroad. (Finance)

SB 153-FN, relative to the administration of certain programs by the department of environmental services. (Executive Departments and Administration)

SB 165-FN, relative to the collection of tax debts from out-of-state debtors. (Ways and Means)

SB 182-FN, relative to electronic issuance of warrants. (Judiciary)

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 8

Wednesday, March 9, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, The Reverend Douglas Domin, Pastor of the First Presbyterian Church of Concord.

Dear Almighty God of heaven and earth, we come to Your throne of grace and mercy to ask for help. Help to exalt You as the King of Glory. Help to consider others as being better than ourselves as our tendency is often to seek our own interests and not those of others. Help to endure challenging times. Help to persevere through the loss of loved ones.

We pray for Your blessing on this session today. We thank You for this great state in which we live and these who give of themselves to serve others. We pray for wisdom for the House today and ask that You would guide and direct all that goes on.

We pray for protection of our great nation. Please watch over our country and continue to use our nation as a defender of liberty. We also remember those on the front lines fighting for freedom and seeking to insure our defense. Protect them, we ask. Give our commanders wisdom and strength. We thank You for those troops who have given the ultimate sacrifice. We pray for their families that they would know Your comfort and grace. May we always remember that our freedom is not free but has come at great cost. Help us to use our freedom in ways that are honoring to You, knowing that one day we will give an account to You. In Jesus name we pray, Amen.

Rep. Harry S. Gale led the Pledge of Allegiance.

The National Anthem was sung by Miles Walter, a fourth grade student at Monadnock Waldorf School.

COMMUNICATION

The Honorable W. Douglas Scamman, Jr.

Speaker of the House

Dear Mr. Speaker:

It is with mixed emotions that today I submit my resignation for the consideration of the New Hampshire House effective Wednesday, March 9, 2005. I have served off and on in this magnificent body most of my adult life. My first exposure to the Legislature was when you appointed me back in 1987 to serve as a member of the House Sergeant of Arms staff and I was elected to my first term in the General Court in 1989. My time here has been interesting and I have found it inspiring both as a former staff member and as a current elected member of the body. I have had the opportunity to listen to and participate in many great debates on policy issues which will affect the citizens of our state for generations to come. I will carry, as some of my fondest memories, the speeches of some of the great orators of the House like, "It just ain't fair," by former Representative Henry Mock, and some of my legislative successes surround marital master issues and the passing of the Medical Parole Act last term. Perhaps my greatest memory of this great body will be the unique privilege that the voters provided me by electing both of my sisters last term allowing this body to make U.S. political history by having the distinction of three siblings serving at the same time in the same body. One of my greatest honors was to have been nominated by both parties to serve as their representative.

While I feel strongly that it is time for me to go, I certainly will miss the legislative process and look forward to watching your adventures in attempting to deal with education funding and the \$340 million budget deficit. I suspect tax increases are looming, but these issues are now for you to debate. As I tip my hat, I say good luck and Godspeed.

Respectfully submitted,

Rep. Larry G. Elliott, Hillsborough 1

The Speaker accepted the resignation with regret.

LEAVES OF ABSENCE

Reps. Albert, Mary Allen, Baroody, Barry, Danforth, Fesh, Donald Flanders, Foote, Forsing, Hunter, Hutchinson, Keans, Stephen L'Heureux, Moore, Morneau, Naro, Palangas, Marjorie Smith and Weldy, the day, illness.

Reps. Aboshar, Callaghan, Clayton, Dorsett, Easson, Egbers, Ginsburg, Golding, Grassie, Heon, Lawrence, Pepino, Powers, Reed, Stella Scamman, Sinclair, Stone and Twombly, the day, important business.

Reps. Julie Brown, Carlson, Dunlap, Stephanie Eaton, Lary, Moody, Rush, Snyder, Solomon, Stevens, and Wells, the day, inclement weather.

Rep. Manney, the day, illness in the family.

Rep. Kimberly Shaw, the day, death in the family.

INTRODUCTION OF GUESTS

Sandy Vandekauter, mother of the singer, guest of the House. Christian Andreica, guest of Rep. Heald. Greg Miller, son of Rep. Miller. Betty Hirschmann, guest of Rep. Hirschmann.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 98, relative to law enforcement authority under the safe schools act, removed by Rep. James Wheeler.

HB 252, requiring bail hearings for persons arrested for probation violations, removed by Rep. Jasper.

HB 454, relative to carrying a concealed weapon without a license, removed by Rep. Marple.

HB 645-FN, relative to fire-safe cigarettes, removed by Rep. Buhlman.

HB 451-FN-L, requiring the separate preparation and approval process for the special education budget, removed by Rep. Mead.

HB 612-FN, establishing the New Hampshire volunteer elementary teachers and students program, removed by Rep. Field.

HB 624-FN, relative to penalties in certain health and health-related professions, removed by Rep. Hunt.

SB 39, relative to disinterment of dead bodies, removed by Rep. Rochette.

HB 682-FN, requiring an informational statement regarding the powers of district courts, removed by Rep. Marple.

HB 524, relative to outsourcing of jobs, removed by Rep. Weed.

HB 81, allowing municipalities to grant 2 veterans' tax credits in a single household, removed by Rep. Dickinson.

HB 414, relative to regulation of municipal waste combustors, removed by Rep. Phinizy. Consent Calendar adopted by the necessary two-thirds.

HB 61, extending the family law task force. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carolyn M. Gargas for Children and Family Law: The committee unanimously supported the continuation of the Family Law Task Force with the proviso in the amendment that it could also make additional recommendations consistent with its original mandate. Vote 14-0.

Amendment (0289h)

Amend the bill by replacing section 1 with the following:

1 Extension of the Task Force on Family Law. Notwithstanding 2002, 250:17, II, as amended by 2004, 20:3, the task force on family law, established in 2002, 250:1-3, shall continue in effect until November 1, 2008, for the purpose of monitoring implementation of its report of November 1, 2004 and promoting the recommendations of this report. The task force may make additional recommendations consistent with its original legislative mandate. On or before November 1, 2006, the task force on family law shall issue a progress report, with specific reference to implementation of the 2004 recommendations and any further recommendations, and shall issue its final report on or before November 1, 2008.

HB 207-FN, relative to the appointment of a guardian ad litem in adoption proceedings. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Children and Family Law: The concept of the bill is already being implemented in probate courts and by private adoption attorneys. Older children and DCYF adoptions are assigned an advocate during the adoption proceedings. Vote 13-3.

HB 223, relative to the procedure for assignment of juvenile probation and parole officers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel C. Itse for Children and Family Law: This bill as amended provides that the juvenile probation and parole officers be assigned to judicial districts based upon workload formulas established by the Dept. of Health and Human Services. This amended bill was done with the approval of the judicial branch of the Supreme Court. Vote 12-1.

Amendment (0102h)

Amend the bill by replacing section 1 with the following:

1 Services for Children, Youth and Families; Assignment of Juvenile Probation and Parole Officers. Amend RSA 170-G:15 to read as follows:

170-G:15 Assignment of Juvenile Probation and Parole Officers. The commissioner shall, through rules adopted pursuant to RSA 541-A, assign permanent juvenile probation and parole officers to each judicial district consistent with the workload formula established by the department [in consultation with the New Hampshire Judges Association, and subject to the approval of the presiding justice].

AMENDED ANALYSIS

This bill provides that juvenile probation and parole offices shall be assigned to judicial districts based on the workload formula established by the department of health and human services.

HB 280, relative to acceptance of service of process of divorce petitions and requests for modification. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill as amended provides an optional manner of service in divorce and child custody proceedings. The respondent or respondent's attorney may accept service at the court within 10 days, thereby making home service unnecessary. Vote 13-0.

Amendment (0297h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the manner of service in divorce and child custody proceedings.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Annulment, Divorce and Separation; Optional Manner of Service of Petitions. Amend RSA 458:9 by inserting after paragraph II the following new paragraph:

II-a. In lieu of service as described in paragraph II, the court may, after issuing orders of notice, send notice to the respondent indicating that the petition has been filed and that the respondent or the respondent's attorney may accept service at the court within 10 days. If neither the respondent nor the attorney for the respondent accepts service at the court within 10 days as specified in the correspondence, the petition shall be forwarded to the petitioner for service in accordance with paragraph II.

AMENDED ANALYSIS

This bill permits the respondent in a divorce or child custody proceeding to accept service at the court.

HB 398, removing judicial discretion to include life insurance in a child support order. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Bickford for Children and Family Law: This bill would remove the ability of a court to include life insurance costs on top of child support. The committee felt it should have more information and hopes the Child Support Commission will study the problem of how many insurances and financial "add ons" parents can afford over and above their child support obligation. Vote 16-0.

HB 456-FN, relative to admissions to the state hospital for certain substance abusers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Children and Family Law: This bill amends RSA 644: 5-a making it a violation to inhale the fumes of a toxic substance in order to get "high" or to aid another to get intoxicated by inhaling. The amendment removes the reference to a second offense by a minor because minors are already covered by CHINS. Vote 14-1.

Amendment (0413h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to inhaling toxic vapors.

Amend the bill by replacing section 1 with the following:

1 Inhaling Toxic Vapors for Effect; Substance Abuse Program. Amend RSA 644:5-a to read as follows:

644:5-a Inhaling Toxic Vapors for Effect. A person is guilty of a violation if he *or she* purposely smells or inhales the fumes of any substance having the property of releasing toxic vapors, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, or possesses, buys or sells any such substance for the purpose of violating or aiding another to violate this section. This section does not apply to the inhalation of anesthesia for medical or dental purposes. ~~[Any court finding that a minor is guilty of a second offense under this section may order the minor to the nearest mental hygiene clinic for examination prior to sentencing. The clinic shall report any finding it makes to the court. The court may order commitment to a public institution, including the New Hampshire hospital for care and treatment as the findings warrant. The court may thereafter modify the order as justice requires.]~~

AMENDED ANALYSIS

This bill clarifies the law regarding inhaling toxic vapors.

HB 109, requiring notification of federal tax requirements in the sale of a principal residence and limiting the disclosure of social security numbers in real estate transfers. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. DeStefano for Commerce: This bill has two sections. The first requires the preparer of a deed for the sale of a principal residence to provide the seller with all the exemption amounts allowed by the Internal Revenue Service 10 days prior to the closing. The committee felt that this was not the deed preparer's responsibility and was unrealistic. Part two requires that no social security numbers be placed on real estate forms that can be viewed by others not party to the transaction. As of January 1, 2005 social security numbers have been removed from all National Association of Realtors forms, making this section unnecessary. Vote 19-0.

HB 133, establishing a committee to study single payer health care. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: This bill and its sponsor were very specific in its intent. This bill would look at installing a state paid, state controlled health insurance plan similar to the Canadian system for the State of New Hampshire. The committee felt that the enormity of making such a dramatic shift in our whole philosophy of providing for and paying for health insurance was beyond what could be examined by a study committee over the summer. Vote 18-1.

HB 196, establishing a committee to study awarding of the bid for health insurance for state employees. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: Although this proposed study committee has the best of intention, it is not necessary. The Joint Legislative Performance Audit and Oversight Committee (LPAOC) approved the topic of insurance brokers' fees for a performance audit. The fiscal committee concurred with the LPAOC regarding performance audit on this topic. Subsequently the LPAOC approved an expanded scope statement on June 24, 2004, and the fiscal committee approved the same scope on August 11, 2004. This audit will attempt to answer the following question: How efficient and effective were the state's insurance procurement practices during the audit period SFY 1998 through SFY 2005. The audit will focus on the following four issue areas: how the state manages insurance brokers and agents; how the state procures insurance-like coverage and related services; how the state controls the procurement of insurance and related services by agencies across government; and, is planning for self-insuring state employee health benefits and the acquisition of related services adequate according to best practices. This audit started in mid-January and is expected to be completed this fall. Given that this audit is covering the same subject matter and more as that proposed under this bill, the committee felt that this bill was not needed at this time. Vote 19-0.

HB 226-FN, relative to the provision of loss information to employers. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: The Insurance Department testified that although this bill is well intentioned, the department has had no requests for this information from any members of the small

group. Additional testimony indicates that the insurance department collects this data in batch form. That is, they do not break down that information specific to each individual company. Breaking this information down for each small company presents two problems. The first is the logistical problem of reformatting all the data. The second, and more disturbing, problem is the privacy issue. Unlike a company with 50 or more people in their health insurance plan, a company with 2, 5 or 10 people could use this information to very easily determine who was generating the big insurance costs. This is information we do not want employers to have. Since there has been no request for this information and since the unintended consequence would be to increase costs to provide this information, and more importantly, there would be serious privacy concerns, the committee voted ITL. Vote 18-1.

HB 235, relative to age-based motor vehicle insurance premiums. **INEXPEDIENT TO LEGISLATE**
Rep. James R. Martin for Commerce: The bill takes age out as a factor in setting auto insurance rates. Age has proved to be a very reliable factor in insurance rating and age should be retained as a rating factor. As a result of this bill, teenagers and other youthful drivers would be rated the same as more mature drivers. Removing age as a rating factor will result in increasing auto insurance premiums for those who are not youthful drivers. Vote 19-0.

HB 237, relative to telephone rate disclosure. **INEXPEDIENT TO LEGISLATE**
Rep. Stephen B. Stepanek for Commerce: Although well intentioned, provisions of this bill are already being adhered to by the long-distance carriers. All of their rates are now publicly disclosed in long-distance carrier PUC filings, telephone books and on their internet sites, any of which would provide the information required by this bill. Since this bill is already being complied with by the industry, the committee felt it was unnecessary. Vote 18-1.

HB 303-FN, relative to the fire standards and training and emergency medical services commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill is a housekeeping bill for Fire Standards and Training. It clarifies the authority of the Fire Standards and Training Commission and clarifies the names of the various organizations that serve on the commission. This bill also permits the commission to waive the requirements for fire service personnel who are not first responders. The amendment added to the bill was to correct the incorrect title of the Fire Standards and Training and Emergency Medical Services Commission to its correct title of Fire Standards and Training Commission. Vote 14-0.

Amendment (0378h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the fire standards and training commission.

Amend the bill by replacing sections 1-2 with the following:

1 New Hampshire Fire Standards and Training Commission; Name of Commission and Reference to Firefighter Changed. Amend RSA 21-P:25 to read as follows:

21-P:25 Program Authorized; Definitions.

I. The New Hampshire fire standards and training [~~and emergency medical services~~] commission is hereby established and directed to establish minimum educational and training standards for employment as a full-time [~~firefighter~~] **fire service personnel**, establish minimum selection standards for full-time fire service personnel, establish and publish educational and training standards for fire service personnel, and certify fire service personnel as meeting the educational and training standard. This commission shall also act in an advisory capacity to the director of the division of fire standards and training and emergency medical services with reference to the instruction methods of determining and dealing with the causes of fire, the prevention of fire, techniques of firefighting and rescue, research techniques in firefighting and fire protection, and the administration and management of fire departments. The commission shall meet at least 4 times annually.

II. As used in this subdivision:

(a) "Commission" means the fire standards and training [~~and emergency medical services~~] commission; and

(b) "Director" means the director of the division of fire standards and training and emergency medical services.

(c) "Fire service personnel" means firefighters, fire officers, rescue personnel connected with fire departments, fire prevention officers, inspectors, investigators, fire instructors, public education specialists, fire alarm personnel, or any other personnel who are members of fire departments or fire-related state agencies, whether full or part-time.

2 Members of the Fire Standards and Training Commission. Amend RSA 21-P:26, I to read as follows:

I. There shall be a fire standards and training [~~and emergency medical services~~] commission consisting of 16 members, including the commissioner of safety or designee, the commissioner of education or designee, the attorney general or designee, the chief of the forest protection, the director of the division of fire standards and training and emergency medical services, and the state fire marshal, who shall each serve during his or her continuance in such office, and [~~one active member~~] *members* of each of the following associations or groups chosen by the governor, with the approval of the council, from a list of 3 qualified members submitted by each association or group:

(a) *Two representatives* of the New Hampshire [~~Fire Chiefs Association as represented by a full-time career fire chief;~~] *Association of Fire Chiefs, at least one of whom shall be a chief of a full-time fire department, and one a chief of a volunteer department.*

~~[(b) The New Hampshire Fire Chiefs Association as represented by a volunteer fire chief;~~

~~(c) [(b) One representative of the Professional Firefighters of New Hampshire-International Association of Firefighters[?].~~

~~[(d) [(c) One representative of the Fire Instructors and Officers Association of New Hampshire[?].~~

~~[(e) [(d) One representative of the Federation of Fire Mutual Aid Associations[?].~~

~~[(f) [(e) One representative of the New Hampshire State Firemen's Association[?].~~

~~[(g) [(f) One representative of the insurance industry of New Hampshire, which members shall be recommended by the New Hampshire Association of Domestic Insurance Companies[?].~~

~~[(h) [(g) One representative of the New Hampshire Municipal Association[?].~~

~~[(i) [(h) One representative of the New Hampshire Permanent Firemen's Association[?and].~~

~~[(j) [(i) One representative of the Fire Prevention Society.~~

I-a. The director of the division of fire standards and training and emergency medical services shall be a nonvoting member of the commission.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 6-7, respectively:

4 Organization of Department of Safety; Name of Commission Changed. Amend RSA 21-P:15, III to read as follows:

III. Any transfer involving the division of fire standards and training and emergency medical services undertaken pursuant to this section shall require consultation with the fire standards and training [~~and emergency medical services~~] commission, prior to the transfer being proposed to the governor and council.

5 Advisory Council on Emergency Preparedness and Security; Name of Commission Changed. Amend RSA 21-P:48, I(s) to read as follows:

(s) One member of the fire standards and training [~~and emergency medical services~~] commission, appointed by the chairman.

AMENDED ANALYSIS

This bill:

I. Clarifies the name of the fire standards and training commission and the names of various organizations that serve on the commission.

II. Clarifies the authority of the fire standards and training commission to establish educational and training standards for fire service personnel, not just firefighters.

III. Permits the commission to waive certain requirements for fire service personnel who are not first-responders.

IV. Deletes a statutory section relative to the commission's discretion to reimburse fees.

This bill is a request of the department of safety.

HB 382, establishing a commission to develop a strategic capital plan for department of corrections' facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill establishes a committee to develop a strategic capital plan for Department of Corrections facilities. The fourteen member committee will consider the suitability of structures and facilities for the incarceration and rehabilitation of offenders, the consolidation of certain facilities and services, whether the secure psychiatric unit should continue to be a part of the Department of Corrections responsibilities and whether the Department of Corrections should enter into a contract to house offenders from

other states. The Strategic Capital Plan Committee will sunset on November 1, 2017. The presumption is that a plan will have been formulated and prioritized and the Legislature should have begun implementation. Vote 18-0.

Amendment (0362h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to develop a strategic capital plan for department of corrections' facilities.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Department of Corrections; Strategic Capital Plan Committee. Amend RSA 21H by inserting after section 14 the following new section:

21-H:14-a Strategic Capital Plan Committee.

I. There is established a committee to develop a strategic capital plan for department of corrections' facilities.

II.(a) The members of the committee shall be as follows:

(1) Five members of the house of representatives, at least one of whom shall be a member of the criminal justice and public safety committee, at least one of whom shall be a member of the public works and highways committee, and at least one of whom shall be a member of the finance committee, appointed by the speaker of the house of representatives.

(2) Two members of the senate, appointed by the president of the senate.

(3) The commissioner of the department of corrections, or designee.

(4) The commissioner of the department of transportation, or designee.

(5) One representative from the department of health and human services with expertise in behavioral health, appointed by the commissioner of health and human services.

(6) One member of the state commission on the status of women, appointed by the governor.

(7) Three public members with corrections experience, appointed by the governor.

(b) Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall develop a strategic capital plan for all department of corrections' facilities. The committee's duties shall include, but not be limited to, considering:

(a) The suitability of current structures and facilities used by the state for incarceration and rehabilitation of offenders.

(b) Acquiring a suitable site for a women's prison or a new prison complex. Such a complex would involve the centralization of resources and maximize efficiency in the coordination of services to women inmates. The committee should also consider the demographics of Goffstown's older population in particular and the lack of bed space. The committee should decide whether to provide the opportunity to partner with the counties and the federal government to accept their inmates in any new women's prison facility.

(c) Consolidation of certain facilities to create a more efficient delivery of services.

(d) Whether the secure psychiatric unit should continue to be a part of the department of corrections' responsibilities.

(e) The addition of 500 beds in the northern correctional facility and what effect that might have on the corrections system.

(f) Whether the department of corrections should enter into a contract to house offenders from other states.

IV. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Eight members of the committee shall constitute a quorum.

V. The commission shall make reports on or before November 1 of each year beginning with November 1, 2005 of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

2 Repeal. RSA 21-H:14-a, relative to the strategic capital plan committee, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2017.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to develop a strategic capital plan for department of corrections' facilities.

HB 443, relative to the statute of limitations for fire code violations. **OUGHT TO PASS**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: This bill establishes that the statute of limitations for a fire code violation begins to run only upon the actual discovery of the violation. The committee listened to the report of the Fire Marshall as to how the addition of one paragraph would close a loophole that allows fraud and deliberate safety violations that may lead to health and safety violations to be prosecuted. Vote 15-0.

HB 556-FN, requiring registration of drug offenders. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia A. Dowling for Criminal Justice and Public Safety: While the committee believes that offenses relative to drugs are indeed serious, testimony revealed that we should not interweave drug convictions within our sex offender registry. In addition, this bill was silent relative to length of time the offenders' names would remain on the registry list. An issue was raised with regard to Part I, Article 28-a of the New Hampshire Constitution relative to unfunded mandates. The Department of Safety indicated that more personnel would be required to input and maintain the database. Testimony suggested that thousands of names would be added to the registry, thus rendering our database of sex offenders cumbersome and less effective. Vote 15-0.

HB 692-FN-L, relative to the county department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene P. Charron for Criminal Justice and Public Safety: By statute, county correctional facilities can hold sentenced inmates for up to one year. This addresses a trend of creative sentencing by sentencing inmates to serve consecutive one year sentences and certainly does not provide the type of programming the state has available for longer sentencing. A two or three year sentence serves no purpose on the county level. This bill provides that for anyone sentenced for greater than one year on the county level, the first year will be charged to the county. Any time beyond that year will be borne by the state. Vote 15-0.

Amendment (0387h)

Amend the bill by replacing section 1 with the following:

1 Place of Commitment; Expenses of Protective Custody. Amend RSA 30-B:15, II to read as follows:

II. *For any person sentenced to a single term of imprisonment of up to one year*, the expense of lodging persons in a county correctional facility under the protective custody of a peace officer under RSA 172:15 or RSA 172-B:3 shall be a charge upon the county. *For persons sentenced to consecutive one-year terms, the expense of lodging under this paragraph for any period of time greater than one year shall be a charge upon the state.*

AMENDED ANALYSIS

This bill requires the state to pay expenses of lodging persons in county department of corrections facilities for any time period greater than one year for persons who are sentenced to consecutive one-year terms.

HB 191-FN, relative to using school building aid for leased classrooms. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy E. Easson for Education: This bill was requested by the Department of Education to modify current law to cover the issue of lease-purchase of space in a building or buildings not owned by the school district. The bill enables school building aid for annual grants for leased space. Portable classrooms would still not be eligible for school building aid. Vote 16-0.

Amendment (0018h)

Amend RSA 198:15-b, IV(g) as inserted by section 2 of the bill by replacing it with the following:

(g) Purchase or lease-purchase of mechanical, structural, or electrical equipment, including the cost of installation of such equipment, which is designed to improve energy efficiency or indoor air quality in school buildings. All grant amounts awarded under this subparagraph shall be returned to the state if such equipment is removed from the school building *by the vendor due to the school district's failure to meet the terms of the lease-purchase agreement*. Lease-purchase agreements shall be subject to the requirements of RSA 33:7-e.

Referred to the Committee on Finance.

HB 308, relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education. **OUGHT TO PASS**

Rep. Claire D. Clarke for Education: This bill was requested by the Department of Education to clarify RSA 186-C:19-b II(c) and RSA 186-C:23 III. In audits conducted in 2000 and 2002, it was noted that the current RSA states that the payment for court ordered placements will be made once a year on or before January 1st. The DOE is requesting to change the RSA, since the department pays the vendor invoice for services within 60 days after receipt of the invoice. The second part of the bill eliminates the word "nonbinding" and replaces it with "confidential" and adds at the end of that paragraph: "The authority of the department of education in alternative dispute resolution proceedings initiated to the provisions of paragraphs I and II." Vote 14-0.

HB 320-FN-A-L, relative to educational scholarship grants to qualifying private educational institutions. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: The committee listened to the testimony of the sponsors and understood their concerns. This bill, however, includes no source of revenue to finance the scholarships it offers. Further, the committee felt that property tax relief was needed by certain other New Hampshire residents as a higher priority, should funding ever become available, and one of the sponsors agreed. Vote 16-0.

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission. **OUGHT TO PASS**

Rep. Stephen R. L'Heureux for Education: This bill authorizes the postsecondary education commission, an appointed body of higher leadership in our state, to establish a user-fee structure to collect fees for expenses related to degree-granting, research and study functions and establishes a non-lapsing fund for the deposit of such fees. While the work of the postsecondary education commission comes with an extensive statutory obligation, without this legislation the commission will find itself in a challenging position as it attempts to meet these obligations without this minimal financial assistance. Vote 13-0.

CACR 10, relating to apportionment of representatives. Providing that the legislature apportion representative districts according to certain fixed standards. **INEXPEDIENT TO LEGISLATE**

Rep. Richard B. Drisko for Election Law: This constitutional amendment concurrent resolution would establish new standards by which the legislature would apportion representative districts in future redistricting efforts. In departing from established redistricting practices, CACR 10 exceeds the parameters for deviation. The committee felt that this was such a fatal flaw that it could not recommend the bill. Vote 16-0.

HB 88, establishing a committee to study voter registration affidavits. **INEXPEDIENT TO LEGISLATE**

Rep. Charles F. Weed for Election Law: The committee believes that since we will be hearing and deliberating on a number of bills related to potential voter fraud, including same day registration and voter identification requirements, the issue of registration affidavits will be subjected to close committee scrutiny this term. Therefore, a study committee was not necessary at this time. Vote 14-0.

HB 232, establishing a commission to recodify the election laws. **INEXPEDIENT TO LEGISLATE**

Rep. Richard E. Kennedy for Election Law: This well intended bill would establish a study of many areas of our election laws. After much deliberation, the committee unanimously felt that the questions raised could and should be answered by the review of over 50 bills before the committee. Vote 14-0.

HB 361, relative to filling vacancies on a party ticket in cases of disqualification or death. **INEXPEDIENT TO LEGISLATE**

Rep. Michael G. Biundo for Election Law: The committee unanimously agreed that this bill, enabling political parties to fill vacancies on a party ticket due to the death, disability or change of domicile of a nominated candidate, goes against the intent of the founding fathers. Our representative republic, and its rights and privileges, is sometimes at odds with those that crave efficiency. In the case of a vacancy for the above mentioned reasons, the committee believes that a special election that allows the people to choose who should represent them would be the appropriate thing to do. Vote 16-0.

HB 483, relative to instructions to be placed on the general election ballot. **OUGHT TO PASS**

Rep. Ralph G. Boehm for Election Law: This bill clarifies the general election ballot instructions regarding the number of persons to be voted for. RSA 656:6 was amended in the last session but a

phrase needs to be edited back in. For each office the words "Vote for any ____" needs to be changed to "Vote for not more than ____" This change will make it clearer that the voter should only vote up to a certain number of candidates, but does not need to vote for the maximum number. This returns the text back to the traditional instructions with which the voter is familiar. Vote 15-0.

HB 477-FN, increasing registration fees for pesticides and commercial feeds. OUGHT TO PASS WITH AMENDMENT

Rep. Sheldon S. Sawyer for Environment and Agriculture: This bill was requested by the Commissioner of the Department of Agriculture, Markets and Foods. The committee felt that since the fees had not been increased in 13 years, and surrounding states had fees that were considerably higher, the request was warranted. 10% of the increased pesticide fees will go toward implementing the Integrated Pest Management Fund and 50% of the commercial fees will go to the Agricultural Product and Scale Testing Fund. The remainder will be returned to the general fund. Vote 14-0.

Amendment (0419h)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Pesticide Control Board; Membership. Amend RSA 430:30, I(j) to read as follows:

(j) One person from a slate of 3 persons presented by the New Hampshire Horticultural [Society] *Industries Council*.

AMENDED ANALYSIS

This bill increases registration fees for pesticides and commercial feeds, and changes the name of a member to the pesticides control board.

This bill is a request from the department of agriculture, markets, and food.
Referred to the Committee on Ways and Means.

HB 234-FN, relative to the development of a closed state municipal information network by the office of information technology. OUGHT TO PASS WITH AMENDMENT

Rep. James B. Coburn for Executive Departments and Administration: This bill defines the responsibilities of the Office of Information Technology (OIT) to include development of a state municipal network and support infrastructure that connects cities, towns, county and state information systems. The amendment removed the term "closed" network, and ensured voluntary participation by the municipalities. The Information Technology Council will also advise the OIT on the implementation of a state municipal network. The committee felt that this is a good step toward improving communication between the state and municipalities. Vote 17-0.

Amendment (0438h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the development of a state municipal information network by the office of information technology.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Office of Information Technology; Development of State Municipal Network. Amend RSA 4-D:2 by inserting after paragraph XV the following new paragraphs:

XVI. Developing a state municipal network and support infrastructure that connects city, town, county, and state information systems, and permits voluntary participation by municipalities.

XVII. Developing strategies that enable municipal and county agencies to consolidate information technology services and utilize the state municipal network.

2 New Subparagraph; Duties of Information Technology Council; State Municipal Network Added. Amend RSA 4-D:4, I by inserting after subparagraph (g) the following new subparagraph:

(h) Implementation of a state municipal network.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the office of information technology to develop a state municipal information network.

Referred to the Committee on Finance.

HB 545-FN, allowing retired police officers to become teachers without rejoining the state retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The fact that this bill applies only to retired police officers and not all members of the system would jeopardize the tax exempt status of the system. To allow all retired members to continue in state or political subdivision full-time positions while still collecting their retirement and making no contribution to the system would seriously drain or jeopardize the system. The system is presently funded at 79% of the liabilities and on a 30 year recovery to full funding. This program would seriously jeopardize that recovery. Once this was explained to the prime sponsor, he requested that the bill be deemed inexpedient to legislate. Vote 16-0.

HB 597-FN-A, relative to the natural heritage inventory program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill, as amended: (1) changes the name of the Natural Heritage Inventory Program to the Natural Heritage Bureau administered within the Division of Forests and Land of the Department of Resources and Economic Development; (2) updates the organization names of mandated members of the Natural Areas Council, and (3) provides for the establishment of a non-lapsing Natural Heritage Bureau dedicated fund. The fund is to be used exclusively to cover the costs of conducting environmental reviews for known occurrences of rare or endangered species on lands being considered for development (housing, subdivisions, roads) in New Hampshire and to prepare and distribute publications and/or reports of analyzed data on the status, location and distribution of rare and endangered native plants. Fees for the environmental reviews and requests for publication are to be deposited in the dedicated fund. Vote 16-0.

Amendment (0430h)

Amend the bill by replacing section 3 with the following:

3 Rulemaking. Amend RSA 217-A:8, II(g) to read as follows:

(g) ~~[Fees to be charged and collected to cover the costs of services rendered under this act, which shall be deposited into the general fund as unrestricted revenue]~~ *Administration of the fund established in RSA 217-A:7-a.*

Amend the bill by replacing all after section 6 with the following:

7 New Section; Natural Heritage Bureau Fund Established. Amend RSA 217-A by inserting after section 7 the following new section:

217-A:7-a Natural Heritage Bureau Fund Established.

I. The commissioner may charge a fee of \$25 for requests for environmental reviews and a fee not to exceed \$25 to offset the costs of providing publications and/or reports to the public. The fees charged under this paragraph shall be deposited in the fund established in paragraph II.

II. There is hereby established in the office of the state treasurer a fund to be known as the natural heritage bureau fund. Moneys collected under paragraph I shall be deposited in this fund. The fund shall be nonlapsing and continually appropriated to the commissioner for the purposes of providing environmental reviews and for the costs of providing publications and/or reports to the public.

8 New Subparagraph; Natural Heritage Bureau Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (234) the following new subparagraph:

(235) Moneys deposited in the natural heritage bureau fund established in RSA 217A:7a.

9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

- I. Changes the name of the natural heritage inventory program to the natural heritage bureau.
- II. Updates the organization names of mandated members of the natural areas council.
- III. Changes the destination of the fees charged by the natural heritage bureau.
- IV. Establishes a special fund.

Referred to the Committee on Ways and Means.

HB 605-FN, relative to the funding of the modular building standards program. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would add to the Division of Fire Safety and put into statute the positions of an administrator and inspector for

modular building housing standards. Currently under RSA 205-C:6 there is an interim funding provision that says, "until such time as an appropriation is provided in the operating budget of the state, the commissioner, with approval of the fiscal committee of the general court and governor and council is authorized to transfer sufficient funds as are deemed necessary for personnel and expense of administering the modular building standards program." The committee felt that we should not override that budget process by adding, through statute, new employees. Vote 16-3.

HB 629-FN, relative to licensing requirements for certain regulated professions. **INEXPEDIENT TO LEGISLATE**

Rep. Alida I. Millham for Executive Departments and Administration: The intent of this bill is to make the penalties for practicing without a license consistent across certain regulated professions such as: private detectives, professional engineers, architects, land surveyors, natural scientists, foresters and geologists. Upon study, it appeared that a penalty that would work for one profession would not necessary work for another. Also there was no evidence presented that the penalty clause in each of the certain regulated professions practice laws was not working and it was determined that any problems with the clause could be dealt with on a case by case basis. Therefore, the committee recommends inexpedient to legislate. Vote 17-1.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill is a remnant of the massive reorganization bill of the last session to improve efficiencies in state government. In an effort to consolidate similar activities to one management chain, this bill transfers responsibility for public works administration and state lease administration from the department of transportation and the department of health and human services, respectively, to the department of administrative services. A reorganization of divisions, bureaus, sections and function within the department of administrative services to integrate the responsibilities is also included. Vote 18-1.

Amendment (0391h)

Amend the bill by replacing section 18 with the following:

18 Compliance With Contracts. Amend RSA 228:5-a to read as follows:

228:5-a Compliance With Contracts.

[E] The performance of contracts for all state *transportation* projects [~~costing over \$25,000~~] shall be inspected to assure compliance with the plans and specifications. The department shall require inspection service by one of the following methods: (a) by the registered architect or professional engineer or his representative, (b) by qualified personnel of [~~the state agency, institution or department concerned~~] *a professional construction inspection company*, or (c) by personnel of the department of transportation. [~~Prior to the execution of a contract for a state project, the department shall notify the state agency, institution or department concerned which method of inspection shall be followed.~~]

H. The department or its agent shall periodically give to the using agency or institution signed statements that the contract is being executed according to specifications including a final statement that the project has been completed in accordance with the specifications.

III. Manifests for such payments shall be made and signed by the using agency, department, or institution. Manifests for final payment shall certify that inspections have been carried out, that the project has been completed in accordance with the specifications and contract, and that it has been accepted. Such manifest shall be certified by the department that the progress reports furnished by the department are correct and that inspections have been made and the provisions of the plans and specifications have been carried out.]

Referred to the Committee on Finance.

HB 668-FN, relative to appeals of decisions by boards, commissions, and agencies regulating professional occupations. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: This bill was a result of a study committee from the last session. The committee heard testimony from a variety of boards, commissions, agencies, and the attorney general's office. After listening to all of the testimony, we learned that there are over 130,000 licensees that would be covered under this bill. We also learned

that over the last five years there have been only 45 instances where an appeal has been heard. Of these 45, only 5 went to court. The committee did not think that we should be spending over \$100,000 that this bill would cost to address the few appeals that have taken place. Vote 16-2.

HB 674-FN-A, establishing fees for construction plan reviews by the state fire marshal and establishing the position of fire protection engineer in the division of fire safety. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: Under current statute, the fire marshal's office must review all plans of all state, school and other municipal buildings. However, because of budget cuts in the past, it does not have a fire protection engineer. Now the fire marshal's office is coming to the legislature to reinstate this position. After hearing testimony, the committee believes that the fire marshal's office is still able to comply with the current statute and the fire safety of the New Hampshire citizens is not jeopardized. There is also the problem that it became an unfunded mandate under Part I Article 28-a of the New Hampshire Constitution, in that counties and municipalities may have to appropriate monies to pay for these fees. Vote 13-4.

HB 708-FN, establishing a new state defined contribution retirement plan for new state employees and establishing a committee to study the transition of current employees into the new plan and administration of the new plan. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill establishes a state retirement plan for new employees which is structured as a defined contribution plan. All new employees of the State of New Hampshire after the effective date of the bill would be required to be in the new retirement plan. The bill would also establish a committee to study the transition of current and other employees into the plan and examine issues in the administration of the plan. The committee reviewed the plan and with the help of the system's actuaries determined that the state would have to pay the system an additional \$32.0 million dollars in the first year alone to stabilize the existing plan and maintain the current strategy to bring the system from the 79% liability funding to the required 115% over a 30 year period. In addition, the plan would be for state employees only. The political subdivisions would be mandated to pay in violation of Part I Article 28-a of the constitution. States that have instituted a defined contribution plan, in the past have been returning to the defined benefit plan because their retired employees had been retiring with close to \$5,000 less per year on average than those on a defined benefit plan. In addition, the new defined contribution plan would not have medical, disability or death benefits. The employees in the new plan could not belong to the existing plan and therefore could not share in the benefits of the existing plan. Additional benefits at additional expense would have to be set up for the new plan. The new defined contribution plan would not encourage employees to continue state service in that they could pull out of it at anytime. The existing plan encourages employees to stay with the state until they reach retirement age. This bill would set up a plan that would not be in the best interest of the employees or the state. Vote 18-0.

HB 211, relative to the sale of lead fishing sinkers and jigs and establishing a study committee on New Hampshire's loon population. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Clark for Fish and Game: This bill would have postponed the ban on the sale of lead sinkers in New Hampshire from January 2006 to January 2007 and establish a committee to study the loon population in New Hampshire. In 1998, New Hampshire was the first state in the nation to ban the use of small lead sinkers in all lakes and ponds. In 2005, this ban was extended to all fresh water bodies in the state. As a compromise to the legislation passed in 2004, the ban on sales was extended to 2006. It was the consensus of the committee that passing this legislation would be taking a step backward on environmentally friendly legislation. Furthermore, since 13 loon studies have been conducted in the past 15 years and this was an on-going project, the committee felt that another loon study committee was not required. Vote 11-1.

HB 353, relative to consent to inspect lobster and crab gear of license holders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephanie Eaton for Fish and Game: The Fish and Game Department requested this bill, and obstermen supported this bill in committee. Statutory authority now exists for random inspection of lobster and crab gear. The problem is that a seacoast district court judge recently ruled that more than implied consent would be needed for a specific gear search. This bill increases Fish and Game's authority to legally haul and examine lobster gear. Vote 11-0.

Amendment (0444h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to consent to haul lobster and crab gear of license holders.

Amend RSA 211:18, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. Any person who purchases a license to take lobster and crabs in waters of the state of New Hampshire pursuant to this section shall be deemed to have given consent to law enforcement officers to haul lobster and crab gear set for the purpose of taking or keeping lobsters and crabs within the jurisdiction of the state of New Hampshire.

AMENDED ANALYSIS

This bill allows law enforcement personnel to haul lobster and crab gear of persons holding licenses for taking lobster and crabs in the jurisdiction of the state.

HB 409, requiring identification on tree stands, pit blinds, and observation blinds used for hunting. **INEXPEDIENT TO LEGISLATE**

Rep. Paul Mirski for Fish and Game: The bill, as written infers to the land owner upon whose land a fixed or portable tree stand may be found, the potential responsibility for having to notify either law enforcement or the owner of said tree stand of his possession. It also would infer the responsibility for storage of same. Access to lands for the purpose of hunting is tentative at best. Inferring any sort of obligation to landowners who permit access to those licensed by the state for the purpose of hunting ought to be avoided wherever and whenever possible. Vote 13-0.

HB 430-FN-A, establishing a one-day resident fishing license. **OUGHT TO PASS**

Rep. David L. Smith for Fish and Game: The bill will enable a New Hampshire resident to fish in New Hampshire waters for one day. The purpose is to provide a means for someone to try the sport. The Fish and Game Department will realize new revenues immediately, and hopefully will sell more season licenses in the future. All testimony was in favor, and the bill was a request of the Fish and Game Department. The total cost to the licensee is to be \$10.00. Vote 12-0. Referred to the Committee on Ways and Means.

HB 444, relative to the surrender of diseased or injured game animals to the fish and game department. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mark S. Clark for Fish and Game: The committee heard testimony on this bill and there was no opposition. The committee felt that the Fish and Game Director, upon request of a licensee may declare an animal unfit for human consumption. After the surrender and condemnation of the game animal, the animal shall be surrendered to the department. Vote 12-0.

Amendment (0455h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the surrender and condemnation of game animals to the fish and game department.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Disposition of Condemned Game Animal. Amend RSA 208 by inserting after section 24 the following new subdivision:

Disposition of Condemned Game Animal

208:25 Disposition of Condemned Game Animal. The executive director may condemn, upon request of a licensee, the carcass of a lawfully taken and possessed game animal that is determined unfit for human consumption, provided the condition was not created by the actions of the person who took the animal. The entire game animal shall be surrendered to the department and repossessed. After surrender and condemnation of the game animal the licensee shall be given written notice by the department employee indicating that the department repossessed the animal and that the hunter's privilege to continue to hunt that species has not been jeopardized.

AMENDED ANALYSIS

This bill allows the fish and game department to condemn a game animal taken by a licensed hunter which is determined to be unfit for human consumption.

HB 445, relative to the taking of certain game birds and fur-bearing animals. **OUGHT TO PASS**

Rep. Renney E. Morneau for Fish and Game: This bill adds coyote and opossum to the list of species defined as fur-bearing animals. The bill also removes European partridge from RSA 209:4. The European partridge is also referred to as the Hungarian partridge. This bill was a request from the Fish and Game Department. Vote 13-0.

HB 446, relative to applications for resident hunting or fishing licenses. **OUGHT TO PASS**
Rep. David L. Smith for Fish and Game: This bill removes "Resident Tax Receipt" from the title of RSA 214:11-a; and adds the word "resident" to clarify the type of license cited in the text of the law. The bill clarifies this RSA and does not change any practices currently in place in the Fish and Game Department. No costs are associated with this bill. The bill was presented at the request of the Fish and Game Department. Vote 13-0.

HB 484, allowing deer hunting with a primitive flintlock muzzleloader. **INEXPEDIENT TO LEGISLATE**

Rep. Donald Carlson for Fish and Game: This bill would require the Fish and Game Department to establish, in addition to the present deer hunting season, a new season for primitive flintlock hunting of deer. This is the same bill we have voted down in past years. These weapons can be used in the current muzzle loader season and the committee saw no need for a dedicated season. Vote 10-1.

HB 257, relative to emergency medical and trauma service protocols and quality assurance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: The original bill provides that the medical control board shall, by rules adopted by the department of safety, establish protocols for standards of care and licensing requirements for emergency medical and training service providers. There were a number of local and state entities that worked on the provision that removed the local option to establish more stringent requirements than the state. The bill also would establish a quality assurance program which the amendment changes to a quality management program. The amendment did have a section that would make the protocol changes exempt from RSA 541:A. The committee agreed to pass this bill with the understanding that this bill would then be sent to the Executive Departments and Administration Committee to address the issue of exempting this issue from rules. Vote 17-0.

Amendment (0226h)

Amend the bill by replacing all after the enacting clause with the following:

1 Emergency Medical and Trauma Services; Definition of Off-Line Medical Control. Amend RSA 153-A:2, XV(a) to read as follows:

(a) ~~"Off-line" medical control which includes [education, protocol development, critique, leadership, advice, and quality control]~~ *collaborative oversight of education, advice, critiques, medications, treatment modalities, and performance improvement with the head of the unit.*

2 New Paragraph; Emergency Medical and Trauma Services; Definition of Prerequisites Added. Amend RSA 153-A by inserting after paragraph XVI the following new paragraph:

XVI-a. "Prerequisite" means the education or demonstrated proficiency required as a prior condition to performing select skills or procedures contained in the standardized protocols issued by the emergency medical services medical control board.

3 Emergency Medical Services Medical Control Board; Adoption of Protocols Concerning Patient Care. RSA 153-A:5, III(d) is repealed and reenacted to read as follows:

(d) Submitting to the commissioner standardized protocols concerning patient care to consider for adoption as rules, which shall address prerequisites within protocols governing their use by providers, living wills established under RSA 137-H, durable powers of attorney for health care established under RSA 137-J, and patient-requested, physician generated orders relative to resuscitation.

4 Emergency Medical and Trauma Services; Duties of Commissioner; Rules Relative to Emergency Medical Services Protocols and Ambulance Equipment and Staffing. Amend RSA 153A:7, II to read as follows:

II. The commissioner shall:

(a) Adopt rules, *under RSA 541-A*, with the advice and assistance of the coordinating board, the emergency medical services medical control board, and the trauma medical review committee, in accordance with RSA 153-A:20.

(b) *Adopt rules, which shall be exempt from RSA 541-A, with the advice and assistance of the emergency medical services medical control board, in accordance with RSA 153-A:5, III(d). Before any protocol relative to patient care shall be sent to the commissioner to consider for adoption as rule under this subparagraph, the division shall:*

(1) *Provide notice of the proposed protocol to emergency medical care providers and emergency medical service units.*

(2) *Allow a 60-day period for the receipt of written comments on the proposal.*

(3) Hold public hearings, one in the daytime hours and another during the evening hours, in such a way as to maximize input from emergency medical care providers.

~~[(b)]~~ (c) Oversee the administration of the division by the director.

5 New Paragraph; Rulemaking; Quality Management Program. Amend RSA 153-A:20 by inserting after paragraph XXII the following new paragraph:

XXIII. The administration of the quality management program established under RSA 153-A:34.

6 New Subdivision; Quality Management Program. Amend RSA 153-A by inserting after section 33 the following new subdivision:

Quality Management Program

153-A:34 Quality Management Program

I. In this section:

(a) "Quality management program" means a comprehensive, continuous, and organization-wide evaluation and measurement system established in accordance with the rules and definitions adopted by the division of fire standards and training and emergency medical services. The system shall be used to evaluate and monitor the quality and appropriateness of system operation and the care provided to patients in order to identify sentinel events and trends so that corrective action may be taken by the local provider agency.

(b) "Records" means records of interviews, internal review and investigations, and all reports, statements, minutes, memoranda, charts, statistics, and other documentation generated during the activities of a quality management program. "Records" shall not mean original medical records or other records kept relative to any patient in the course of the business of operating as an emergency medical services unit.

II. Records of a quality management program shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented to a quality management program, and any person who supplies information or testifies as part of a quality management program, or who is a member of a quality management program committee, may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her testimony before such program, or opinions formed by him or her, as a result of committee participation. Further, a program's records shall be discoverable in either of the following cases:

(a) A judicial or administrative proceeding brought by the commissioner to revoke or restrict the license or certification of an emergency medical care provider or other person licensed under this chapter; or

(b) A proceeding alleging repetitive malicious action and personal injury brought against an emergency medical care provider or other person licensed under this chapter.

III. No person or entity shall be held liable in any action for damages or other relief arising from their good faith participation in a quality management program, or from the providing of information to a quality management program or in any judicial or administrative proceeding.

7 New Subparagraph; Exemption from Administrative Rulemaking Requirement. Amend RSA 541-A:21, I by inserting after subparagraph (y) the following new subparagraph:

(z) RSA 153-A:7, II (b), relative to emergency medical services protocols.

8 Repeal. The following are repealed:

I. RSA 153-A:2, XII relative to the definition of a local option.

II. RSA 153-A:20, II, relative to rulemaking governing emergency medical services protocols.

9 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill:

I. Directs the commissioner of the department of safety to adopt rules, in consultation with the emergency medical services medical control board, and exempt from RSA 541-A, relative to protocols concerning patient care, and any prerequisites within the protocols. The bill removes the reference in current law to the provision of local options under medical control and repeals the definition of "local option."

II. Establishes a quality management program for emergency and trauma service providers.

This bill is a request of the department of safety.

Referred to the Committee Executive Departments and Administration.

HB 494, establishing a commission to study creating a controlled substance prescription monitoring program. **INEXPEDIENT TO LEGISLATE**

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: The purpose of this bill is to devise a system to monitor the dispensing of class 2 and 3 narcotics. Many members of the committee recognized the benefit of having a system of tracking controlled substance prescriptions to prevent physician shopping and multiple prescriptions. A desire was expressed to not have a commission, but to actually establish such a program now. However, the subcommittee and interested parties clearly realized that more planning was needed. There is a \$50,000 grant application for planning that the Attorney General's office has submitted. The recommendation of the subcommittee was to continue to work internally on the issue during this session and be ready to move forward with a new bill for January 2006 with their recommendation for establishment of a program rather than a commission. The committee will move forward on an ad hoc basis with members of the Boards of Pharmacy, Medicine, and Nursing, the Department of Health and Human Services, the Attorney General's office, the Medical Society, and the chairman of the ad hoc committee on electronic prescription monitoring. Vote 15-0.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee unanimously supported the policy positions contained in this bill. The bill gives the DHHS the authority to train residential care professional staff in assessment techniques concerning quality care and treatment services provided by the facility. Once the department has trained the staff members they, in turn, can provide the training to new staff members. In addition, this training reinforces quality assurance programs. These facilities could be providing services to increasing numbers of residents under medicaid reform. Those facilities that qualify under a stringent set of criteria are granted a two-year waiver from inspection. As amended, this bill provides the waiver only if that residential facility has successfully been inspected over a two year period and was "deficiency-free". A one-year waiver will be allowed if there were no "founded" complaints, and if the facility administrator continues in office as well as the director of nursing. The committee supports the work of the New Hampshire Association of Residential Care Homes and the New Hampshire Health Care Association who support the bill. Vote 17-0.

Amendment (0284h)

Amend RSA 151:6-a as inserted by section 3 of the bill by replacing it with the following:

151:6-a Annual Inspection. The department of health and human services shall make at least one annual unannounced inspection of every facility licensed under this chapter. For residential care facilities, defined in RSA 151:2, I(e), the inspection shall include a review of the programs and services offered in the facility to assure that the facility is in compliance with its current level of licensure, and a survey of the most recent individual resident needs determinations where such surveys are not done under the survey and certification process for Titles XVIII and XIX of the Social Security Act, as amended, to assure that the facility and its programs and services are appropriate to the needs of the residents. Inspection results shall be provided as a written report which distinguishes between those findings that do, and those which do not, indicate a pattern of care, or which demonstrate over the period of at least 2 inspections, a trend in the care of residents or management of the facility which has the potential for adversely affecting the health of the residents. The results of this inspection and any later inspection shall be posted in a conspicuous place in the facility in the manner determined by the commissioner of the department of health and human services. The results so posted shall indicate the facilities and services inspected and the results for each such facility or service. This section shall not apply to acute care general hospitals when the department and the joint committee for accreditation of hospitals have agreed on joint inspection standards. *If a residential care facility has been inspected and is found to be deficiency-free for 2 consecutive years it shall be granted a one-year waiver from the provisions of this section; provided, that the facility is not the subject of a founded complaint investigation under RSA 151:6, the facility remains under the same administrator who is responsible for the day-to-day operation of the facility, and the facility remains under the same director of nursing if there is a director of nursing.*

AMENDED ANALYSIS

This bill allows residential care facilities to establish proceedings for a quality assurance program. The bill authorizes the department of health and human services to provide training for persons who own or work in a residential care facility. This bill also grants a one-year waiver from annual inspections to certain facilities under certain conditions.

HB 697-FN, establishing a commission to study medicaid reimbursement rates for pharmacy providers and exempting pharmacy providers from certain requirements of the department of health and human services relative to reimbursement rates. **OUGHT TO PASS WITH AMENDMENT**
Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: Determining a methodology to establish pharmacy reimbursements has been a long-standing problem and one that has yet to be addressed. New Hampshire law requires that all medicaid providers give the state the lowest price they offer to any other consumer. The law RSA 126-A: 3, III allows the commissioner to waive this requirement for pharmacy providers. Waiver had been the approach taken up to 2004. Pharmaceutical prices are a moving target. The Department of Health and Human Services would be unable to pay each pharmacy at a different rate for the same drug, and so one rate has been established through waiver and paid to all pharmacies. This bill creates a commission charged with coming up with a methodology that makes sense. Taking a serious look at this issue is long overdue. The bill, as amended, was supported at the hearing by independent and chain pharmacies as well as the Department of Health and Human Services. There was no opposition. Vote 18-0.

Amendment (0355h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study medicaid reimbursement rates for pharmacy providers.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

Amend the bill by replacing all after section 5 with the following:

6 Effective Date. This act shall take effect upon its passage.

This bill establishes a commission to study medicaid reimbursement rates for pharmacy providers.

HB 324-FN, relative to requirements for legal marriages. **INEXPEDIENT TO LEGISLATE**
Rep. Bette R. Lasky for Judiciary: As the analysis of this bill states, it is "intended to create a distinction between a lawful marriage which is solemnized by a minister without further state involvement, and a legal marriage, which has certain state procedural requirements and which may or not be solemnized by a religious officiant." Upon testimony and questioning of the sponsors it became apparent that there was no clear consensus or vision as to what they wanted this bill to do. The committee became equally confused. An amendment was submitted that would repeal RSA 457:35 relative to the penalty for solemnization without a valid certificate of marriage. While some members of the committee felt that might have some merit, all in all, we hope if the sponsors want to clarify the "lawful marriage" section of Chapter 457, the Marriage Statutes, that they try to make their message clearer and bring the matter forth again. Vote 18-1.

HB 375, relative to right-to-know requirements when interviewing applicants for certain public positions. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory M. Sorg for Judiciary: This bill would add to the exemptions to the right-to-know law, RSA 91-A, by allowing interviews with prospective candidates for vacancies on municipal boards and commissions to be held entirely in non-public sessions. The committee was not unsympathetic to the sponsor's concern about the clumsiness and potentially invasive consequences of having to recess public hearings and go into non-public session each time personal matters are raised, and that these could discourage qualified persons from applying for these important voluntary, mostly unpaid positions. In view, however, of the important public purposes of the statute and the availability under it of adjournment into non-public session, the committee concluded unanimously that it would be unwise to carve out an additional exemption for positions of such authority as municipal boards and commissions. Vote 18-0

HB 543, establishing a commission to study probate court processes and probate law. INEXPEDIENT TO LEGISLATE

Rep. Peter S. Espieffs for Judiciary: After hearing testimony from the sponsor of this bill, the committee determined there was no need to establish a commission to study the probate court process and probate law. Vote 18-0.

HB 680-FN, relative to witness tampering. INEXPEDIENT TO LEGISLATE

Rep. Gregory M. Sorg for Judiciary: The bill would expand the crime of witness tampering under RSA 641:5 to include inducing or otherwise causing a person to refuse to grant an interview to "any criminal investigative official" unless the refusal "comes as a result of the person's personal decision." The committee was unable to understand how the refusal of a competent adult to grant an interview could be the result of anything other than the person's personal decision. Moreover, there already exist sufficient ways in which to require a reluctant person to disclose relevant information pretrial, including issuing, or simply threatening to issue, a notice of deposition or subpoena to appear before the grand jury. In light of these alternatives, the committee did not believe it necessary or desirable to impose a criminal sanction upon third parties. This bill would also criminalize inducing or otherwise causing a person to answer any questions in a criminal investigation "if such person is under 16 years of age and is a suspect in said criminal investigation." Again, current law provides a sufficient remedy, a motion to suppress, if it is believed that a minor's immaturity has been taken advantage of by an investigator for the state to produce an unknowing or uninformed waiver of his constitutional right not to give evidence against himself, or if the methods used by an investigator for a defendant or potential defendant to obtain answers make their reliability suspect. Vote 18-0.

HB 384, prohibiting mandatory overtime. INEXPEDIENT TO LEGISLATE

Rep. Jarvis M. Adams for Labor, Industrial and Rehabilitative Services: There was much opposition to this bill during the hearing. There is no language in the bill to allow for emergencies, creating potential problems for everyone from the Department of Transportation, the State Police, PSNH, as well as all hospitals. Employees and employers who enjoy the benefit of twelve hour shifts may lose that option unless they become collective bargaining units. For this and other reasons the majority of the committee supported ITL. Vote 13-2.

HB 288-FN, establishing a commission to effect the process for the town of Killington, Vermont to become part of the state of New Hampshire. OUGHT TO PASS

Rep. Michael S. Rollo for Legislative Administration: This bill quite simply establishes a commission to effect the process of annexing the Town of Killington, Vermont to the State of New Hampshire. This bill does not annex the town immediately, but depends on the condition that the State of Vermont establishes a similar commission. The committee believes that in fairness to the Town of Killington, passing this bill at this time will enable Killington more options in negotiating with the State of Vermont. From a fiscal point of view the State of New Hampshire will incur no costs unless the State of Vermont actually does establish a similar commission. Vote 14-0.

HB 630-FN, relative to computer spam and cyber-security. INEXPEDIENT TO LEGISLATE

Rep. David P. Currier for Legislative Administration: A subcommittee was appointed to delve into the issue contained in this bill. The sponsor brought an amendment that significantly changed the bill but didn't necessarily improve it. HB 47, which appeared on the consent calendar on February 23, dealt with a similar issue, with more specific language. Finally, RSA 638 already has penalties regarding damage that may ensue from this type of situation, specifically-damage over \$1000 constitutes a Class A felony and anything under \$500 is a class B felony, so this bill essentially would lessen the penalty regarding computer/cyber damage. The committee voted unanimously to protect the consumer. Vote 13-0.

HB 73, allowing recipients of the National Defense Service Medal to be eligible for the veterans' property tax credit. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: This bill would extend the Veterans Property Tax credit to recipients of the National Defense Service Medal. There are additional thousands of veterans who would be eligible for the optional veteran's tax credit if this bill became law. Last term the optional veteran's tax credit for eligible honorably discharged was greatly expanded from one hundred dollars up to five hundred dollars and the optional disabled

veteran's tax credit from \$1400 to \$2000 with no set parameters on income and assets. Many towns voted the increase last year and it is on the ballot in many more towns. Whenever a tax credit is given to one group of taxpayers, it shifts the burden to the other taxpayers at this point. The effect of the new tax credit on the taxpayers is unknown. Though the committee feels it would be great if all veterans could be granted the tax credit, it is prudent to observe the effect of last year's increases before authorizing additional tax credits. The committee honors all veterans for their service to our country. However, we feel this bill is premature. Vote 17-1.

HB 110, extending the veterans' property tax credit to all honorably discharged veterans. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: This bill would extend the veterans property tax credit to all honorably discharged veterans. There are additional thousands of veterans who would be eligible for the veteran's tax credit if this bill becomes law. Last term, the optional veteran's tax credit for eligible honorably discharged veterans was greatly expanded from one hundred dollars up to five hundred dollars and the optional disabled veteran's tax credit from \$1400 to \$2000 with no set parameters on either income or assets. Many towns voted the increase last year and it is on the ballot in many more towns. Whenever a tax credit is given to one group of taxpayers, it shifts the burden to the other taxpayers at this point. The effect of the new tax credit on the taxpayers is unknown. Though the committee feels it would be great if all veterans could be granted the tax credit, it is prudent to observe the effect of last years increases before authorizing additional tax credits. The committee honors all veterans for their service to our country. However we feel this bill is premature. Vote 17-1.

HB 187, allowing municipalities to adopt a property tax cap for persons 80 years of age and older. INEXPEDIENT TO LEGISLATE

Rep. Christopher L. Doyle for Municipal and County Government: The options given the elderly who may be at risk of losing their homes in New Hampshire is a subject of much work in committee. Last session there was extensive work and changes to the elderly exemptions – which would be a decision of the local legislative body. This bill would give an optional tax cap for persons 80 years of age and older without consideration of their income, assets or need. The only criteria are age and length of residency in New Hampshire. Also, the tax cap would be credit, not an amount taken off the property assessment. There was no mention in the bill of whether this tax cap could be used along with the elderly exemption already in place. The committee has to weigh the balance between giving relief from property taxes to certain segments of the population and the shifting of responsibility of that cost to the other taxpayers in the community. The decision is never easy; however the committee feels strongly that income and assets have to be part of the calculation. Vote 14-0.

HB 271, relative to petitions submitted to town meetings. INEXPEDIENT TO LEGISLATE

Rep. Peter B. Schmidt for Municipal and County Government: When a petition for a warrant article is circulated in the local community, there usually are a number of separate pieces of paper going around. This bill requested that the originator of the petition be the first named on each of the circulated petitions. The committee felt that this was not advisable since a petition should only be signed once by each registered voter. The sponsor also agreed that this bill should not move forward and the committee agreed with his sentiment. Vote 19-0.

HB 512, establishing a commission to study the feasibility of empowering the New Hampshire housing finance authority to give reverse mortgage loans. OUGHT TO PASS WITH AMENDMENT

Rep. Peter B. Schmidt for Municipal and County Government: The committee believes such a study is advisable but rather than establishing a separate commission to accomplish this, the committee recommends adding this study to the tasks of the already existing property tax relief study committee under Chapter 88:1 of the laws of 2004. In addition, a representative of the housing finance authority is added to the said property tax relief study committee. The property tax relief study committee that was established in 2004 deals with basically the same issue: property tax relief. The idea of reverse mortgage loans to assist property owners in paying their property taxes definitely warrants additional study. The feasibility of allowing the New Hampshire Housing Finance Authority to perform this task also has merit and deserves to be further examined. The Housing Finance Authority should be allowed representation on this commission for its valuable input. Vote 18-0.

Amendment (0318h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study property tax relief and reverse mortgages.

Amend the bill by replacing all after the enacting clause with the following:

I Committee to Study Property Tax Relief; Changed to Commission; Reverse Mortgages Added.
Amend 2004, 88:1-5 to read as follows:

88:1 [Committee] *Commission* Established. There is established a [committee] *commission* to study property tax relief, without implementing any new broad-based tax.

88:2 Membership and Compensation.

I. The members of the [committee] *commission* shall be as follows:

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) *One member from the New Hampshire housing finance authority, appointed by the governor.*

II. *Legislative* members of the [committee] *commission* shall receive mileage at the legislative rate when attending to the duties of the [committee] *commission*.

88:3 Duties. The [committee] *commission* shall study any and all existing and proposed state and local property tax relief proposals including, but not limited to, abatements, credits, exemptions, [and] reimbursements, *and reverse mortgages*. The commission may seek testimony from people with experience in one or more of the following categories – mortgage banking, credit lending, home equity financing, deferred payment lending, debt resolution consulting, bankruptcy law, bond banking, and the sale and placement of state and local bond issues.

88:4 Chairperson; Quorum. The members of the study [committee] *commission* shall elect a chairperson from among the members. The first meeting of the [committee] *commission* shall be called by the first-named house member. The first meeting of the [committee] *commission* shall be held within 45 days of the effective date of this section. Four members of the [committee] *commission* shall constitute a quorum.

88:5 Report. The [committee] *commission* shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library in an interim report on or before November 1, 2004 and in a final report on or before November 1, 2005.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the property tax study committee established by 2004, 88 to be a commission to study property tax relief and reverse mortgages.

HB 551-FN-L, relative to the timing of security or assessment in subdivision plat approval. **IN-EXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill would allow a developer to delay the posting of a bond or another type of security for road construction and utility installations within a subdivision prior to the issuance of building permits. Presently, the contractor shall provide the security prior to the final approval of the plot. There was testimony stating that obtaining bonds was difficult. The committee feels allowing an applicant to delay the posting of security until the time of building permit issuance, rather than requiring security as a condition of final subdivision approval, would increase the risk that roads and utilities needed for a subdivision would never be completed or that the work would be done poorly. Leaving the law the way it is presently written will afford the most protection for the consumer and the municipality so that the infrastructure for the subdivision will be completed properly. Vote 14-0.

HB 699-FN-A-L, relative to fines for parking violations. **INEXPEDIENT TO LEGISLATE**

Rep. Harry S. Gale for Municipal and County Government: Automobile parking controls are a local responsibility under RSA 47:17, XVIII. Parking ordinances and violations are enacted by municipalities for two primary purposes: 1) to protect the public from unsafe parking activities; and 2) to provide turnover of parking spaces to ensure the economic vitality of downtown areas. This bill would have established within the office of the state treasurer a special off-street fund which would

be funded by the fines collected by the municipalities, minus \$1 that would stay with the local community. By diverting all but \$1 of every parking violation to the state coffers, this bill would bankrupt municipal parking programs designed to foster downtown business growth and fund new off-street parking. Municipalities would then be left with insufficient funding not only to fund new parking garages and surface parking, but also to fund parking enforcement activities. The committee wants to continue allowing local communities to manage their parking affairs. Vote 19-0.

HB 157, establishing a study committee to review contracting practices for public works. OUGHT TO PASS WITH AMENDMENT

Rep. Saghir A. Tahir for Public Works and Highways: This bill establishes a commission to study procurement methods for public works projects by state and local government agencies. This bill is the culmination of two years consideration by the committee, which began last session with SB 429 (2004) which was the subject of Interim Study. This bill involves issues related to labor policy, local control and constitutional implications in New Hampshire. The committee felt that this study will address these very important issues in a comprehensive manner and include participation by all groups affected. Vote 14-0.

Amendment (0209h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study procurement methods for public works projects by state and local government agencies.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study procurement methods for public works projects by state agencies, municipalities, counties, school districts, and all other political subdivisions.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of labor, or designee.

(d) One member representing unionized labor, appointed by the governor.

(e) One member representing non-unionized labor, appointed by the governor.

(f) One member representing unionized contractors, appointed by the governor.

(g) One member representing non-unionized contractors, appointed by the governor.

(h) One employee of county government, familiar with county procurement practices, appointed by the governor.

(i) One employee of city or town government, familiar with local procurement practices, appointed by the governor.

(j) One employee of a school district, familiar with school procurement procedures, appointed by the governor.

(k) One member of the New Hampshire State Apprenticeship Council, appointed by that organization.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study contracting practices for public works projects by state agencies, municipalities, counties, school districts, and all other political subdivisions. The study shall recommend the public procurement policies that promote the best economic and work quality value from public construction and infrastructure investment. The commission shall base its recommendation on consideration of the following: labor law enforcement, workplace safety compliance, worker's compensation compliance, access to workforce and apprenticeship training, in-state job creation and community economic development, communities' uncompensated care burdens and other social welfare costs, and such additional criteria as the commission deems appropriate.

4 Chairperson; Quorum. Members of the commission appointed pursuant to subparagraphs I(a)-(e) of section 2 of this act shall be voting members of the commission; the remainder shall be non-voting members of the commission. The voting members of the commission shall elect a

chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill establishes a commission to study procurement methods for public works projects by state and local government.

HB 340, renaming Jones Brook Wildlife Management Area in Strafford County for former commissioner of fish and game Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg. **OUGHT TO PASS WITH AMENDMENT**
Rep. Paul C. Smith for Public Works and Highways: This bill, as amended, names a building under construction after the late Governor Hugh Gregg, for his long time endeavors regarding conservation in New Hampshire. It also names a wildlife management area after the former Chairman of the Fish and Game Commission, Ellis Hatch, who was instrumental in the purchase of the land and its expansion. Mr. Hatch has spent countless hours not only helping establish this wildlife area, but encouraging use of the area and teaching children and adults alike the benefits of fly fishing and use of the area. The Fish and Game Department supports this bill as does the NH Wildlife Federation, the NH Fish & Game Commission and the Moose Mountain Regional Greenway Organization, a land conservation organization in the area of the wildlife management area. In fact, there was only one opponent to the bill testifying in committee and since the bill does not rename Jones Brook or the pond, merely naming the wildlife management area, that testimony is invalid. The amendment added the provision that signage for the two locations would not come from state funds. Vote 14-3.

Amendment (0312h)

Amend the title of the bill by replacing it with the following:

AN ACT renaming Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg.

Amend the bill by replacing all after the enacting clause with the following:

1 Renaming Jones Brook Wildlife Management Area. The Jones Brook Wildlife Management Area, located in the county of Strafford, shall be renamed as Ellis Hatch, Jr. Wildlife Management Area in honor of former chairman of the fish and game commission, Ellis Hatch, Jr.

2 Naming of a Certain Building at Sandy Point Discovery Center. A certain building that shall be constructed at the Sandy Point Discovery Center in the town of Stratham shall be named the Hugh Gregg Coastal Conservation Center in honor of former governor Hugh Gregg.

3 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under sections 1 and 2 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the fish and game department.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill renames Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and names a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg.

HB 540-FN, relative to the disposal of real property purchased with highway or turnpike funds. **OUGHT TO PASS**

Rep. James B. Rausch for Public Works and Highways: The Long Range Capital Planning and Utilization Committee requested this legislation to ensure our highway and turnpike funds are reimbursed to the fullest extent from the resale of surplus property. The Council on Resources and Development (CORD) process was also a cause for improper reimbursement of funds, potentially

in violation of federal law. The bill removes the requirement for approval from the CORD before the disposal of property purchased with state or federal highway funds, or with turnpike funds. The bill further mandates that the sale of real property shall be at not less than current market value and the proceeds from the sale shall be credited to either the highway fund or turnpike fund, whichever fund provided money for the original purchase. Vote 16-1.

HB 59-FN-L, relative to municipal responsibility for septage disposal. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harry C. Merrow for Resources, Recreation and Development: Currently, RSA 485-A:5b requires that each municipality must insure that an approved septage facility is available for its residents for a period of five years but lacks requirements for design guidelines. This bill requires a written agreement with the recipient facility and a method of determining the annual capacity needed. It also requires the Department of Environmental Services to report compliance status each year to the legislature. Vote 15-0.

Amendment (0371h)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court acknowledges that providing for the proper disposal of domestic septage at New Hampshire facilities is becoming increasingly difficult for septage haulers serving residents who rely on septic systems. It is clear that additional in-state disposal capacity is needed to handle existing and future septage volumes. Further, the municipal responsibility provisions of RSA 485-A:5-b do not clearly articulate what is intended by the terms "shall provide, or assure access to" a department of environmental services approved facility. This act is intended to clarify terms of compliance.

2 Water Pollution and Waste Disposal; Municipal Responsibility for Septage. RSA 485-A:5-b is repealed and reenacted to read as follows:

485-A:5-b Municipal Responsibility.

I. Each municipality shall either provide, or assure access to, a department of environmental services approved septage facility or a department approved alternative option for its residents.

II. For the purposes of paragraph I, "provide, or assure access to" shall mean a written agreement with a recipient facility, or department approved alternative option, indicating that the recipient facility agrees to accept septage generated in that municipality. The municipality shall consider providing sufficient annual capacity equal to the number of households with septic multiplied by the average septic tank capacity of 1,000 gallons divided by the average septage pumpout frequency of 5 years.

3 Report. The commissioner of the department of environmental services shall report to the legislature on the current compliance status of all municipalities under the revised terms of RSA 485-A:5-b, on November 1, 2006 and November 1 each year thereafter through 2010.

4 Effective Date.

I. RSA 485-A:5-b, II as inserted by section 2 of this act shall take effect January 1, 2006.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies a definition of access to a septage facility.
Referred to the Committee on Finance.

HB 134, relative to certain restrictions on the Piscataquog River. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis F. Abbott for Resources, Recreation and Development: This bill attempts to cure a local problem on the Piscataquog River in Goffstown and Manchester. Currently RSA 270:121 limits speed on the river to 40 MPH during daylight hours and to headway speed after dark. This bill adds a further restriction which prohibits power boats with engines in excess of 55 horsepower and jet skis (personal watercraft). The committee believes that problems created by personal watercraft can be best minimized by enforcement of present boating laws by the Division of Safety Services and local law enforcement. Prohibiting certain types of watercraft would be discriminatory. Vote 14-1.

HB 279, relative to the classification of Spofford Lake in Chesterfield, New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Gibson for Resources, Recreation and Development: This bill, as amended, reclassified Spofford Lake and its tributaries from Class "B" to Class "A", the highest Classification

for water bodies in the state. We take this action upon the recommendation of representatives of the Department of Environmental Services, who testified that the classification of Spofford Lake needed to be upgraded. The amendment adds the tributaries to Spofford Lake to this "A" classification. Vote 15-0.

Amendment (0234h)

Amend the bill by replacing section 1 with the following:

1 Spofford Lake in Chesterfield, New Hampshire; Classification Changed to Class A. On and after the effective date of this act, the surface waters of Spofford Lake and its tributaries in Chesterfield, New Hampshire shall be classified in accordance with the provisions of RSA 485A:8, as Class A waters.

AMENDED ANALYSIS

This bill changes the classification of Spofford Lake and its tributaries in Chesterfield, New Hampshire to Class A.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor. **OUGHT TO PASS** Rep. Frank A. Tupper for Resources, Recreation and Development: When the state purchased a conservation easement on 142,000 acres in Pittsburg, Stewartstown and Clarksville in 2003, the requirements of the agreement included the development of a public access and recreation management plan and a road management plan. These plans must dovetail with the landowners forest stewardship plan to provide a comprehensive management strategy for the whole property. The committee unanimously supports this concept and hopes that the House Finance Committee will support \$175,000 to the division of Parks and Recreation (DRED) for this purpose. Vote 17-0. Referred to the Committee on Finance.

HB 185, establishing a committee to study the unique nature of geothermal properties capable of supporting energy for production. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence C. Ross for Science, Technology and Energy: This bill would establish a study committee to maximize incentives for the voluntary use of renewable energy in New Hampshire, as defined in RSA 374-F:3. The amendment combines two bills (HB 185 that related only to geothermal energy and HB 194 that addressed solar energy) into one bill that addresses all forms of renewable energy as defined in the statutes such as geothermal, wind, solar, and biomass fuels and hydro. Vote 13-0.

Amendment (0437h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall:

I. Identify the benefits of renewable energy in New Hampshire, principally focusing on geothermal, wind, solar, and hydro energy. The committee should consult prior studies relating to the use of renewables to facilitate this purpose.

II. Determine incentives for utilizing renewable energy in New Hampshire without additional taxes or fees on citizens.

III. Assess the current state of technology relating to harvesting geothermal, wind, solar, and hydro energy in New Hampshire. The committee shall compile information, including:

(a) The location of known and potential geothermal deep sites and their characteristics, e.g., steam, hot water, temperature, and deleterious materials that limit use.

(b) Methodology and practicality for use of geoexchange heating and cooling on single unit commercial, industrial, or residential buildings.

(c) The location of past, existing, or potential wind farms and the commercial viability of wind power.

(d) Practicality of solar technology for individual dwelling units and for public utility solar-based electricity production.

(e) Policies which address the preservation of existing small scale hydroelectric generation facilities, as well as the development of new facilities.

(f) Policies which encourage the continued and expanded use of biomass products for the production of electric energy.

(g) Other considerations that may allow New Hampshire to optimize use of renewable energy.

IV. Solicit input from at least one member of the New Hampshire geological survey, from public utilities with expertise on renewable energy, and from any other persons with information or expertise relevant to the committee's objectives.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2005.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

HB 330, establishing a commission to study the feasibility of establishing a statewide non-emergency 311 telephone system. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill would create a study committee to explore the feasibility of establishing a statewide non-emergency 311-telephone system. This proposal reoccurs annually either studying or establishing such a service. The committee appreciates the sponsors' concerns but our previous deliberations have determined that the costs to phone subscribers far outweigh the advantages for this service in our rural state. Existing services currently provided by chambers of commerce and non-profits in the state adequately supply non-emergency information to interested parties. Vote 13-1.

HB 568, establishing the greater Derry-Salem cooperative alliance for regional transportation. **OUGHT TO PASS**

Rep. George N. Katsakiores for Transportation: This bill starts the process of establishing a regional transit agency to serve the communities of Derry, Salem, Londonderry, Plaistow, Windham, Pelham, Sandown, Danville, Hampstead, Chester, and Atkinson. The 11 town region mentioned above remains the only urbanized area of New Hampshire that lacks regular transportation service. Focus by three regional planning commissions, 11 municipalities, and more than 30 health and human services providers under the New Hampshire D.O.T. effort looked at a broad range of options for coordinating existing demand-response human transportation service in the region. The agencies studied opportunities to expand services by securing new non-state funding. The plan is to put in place a regional transit agency recognized by the FTA to manage the funds. This bill is enabling legislation that would establish the regional transit agency known as the Greater Derry-Salem Cooperative Alliance for Regional Transportation (CART). Vote 13-0.

HB 291-FN-A, establishing a research and development tax credit against the business profits tax. **INEXPEDIENT TO LEGISLATE**

Rep. Priscilla P. Lockwood for Ways and Means: At the request of the sponsor, this bill was voted ITL. HB 466 covers the same subject and will be discussed later. Vote 20-0.

HB 462, prohibiting road toll refunds for idling time. **OUGHT TO PASS**

Rep. Kevin L. Camm for Ways and Means: This bill prohibits road toll refunds for idling time. A few years ago we changed the way diesel fuel was taxed. Instead of the "miles over the road" approach, we tax fuel at the pump, per gallon. The Department of Safety has had more and more requests for "off road" refunds such as idling time for warming up engines and cabs. This will end that practice and hopefully conserve both fuel and the environment. Vote 20-0.

HB 503-FN-A-L, relative to distribution of tobacco settlement funds. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: The bill would have distributed the first \$3 million dollars of the tobacco settlement fund to the tobacco use prevention fund. Under current law this will automatically happen, beginning July 1, 2005. The bill would have then shared any monies over \$43 million dollars equally between the state general fund and the counties. As the revenues projected to be received by the state will be less than \$40 million dollars in FY06 and in future years, the entire bill becomes moot. Vote 20-0.

HB 523-FN-L, increasing the marriage license fee. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Ways and Means: This bill would increase the marriage license fee from \$45 to \$90. Of that increase, \$37 would go to the Domestic Violence Grant Program and \$8 would go to the clerks. Testimony from those familiar with that program requested that this revenue source not be utilized at this time. The committee agreed. Vote 18-0.

HB 693-FN, making the low and moderate income homeowners property tax relief program a tax cap and applicable to current year tax liability. **INEXPEDIENT TO LEGISLATE**

Rep. Susan W. Almy for Ways and Means: The bill was drafted to reduce the statewide property tax for low-income payers, but the author wanted to provide relief for the whole property tax at the local level. The sponsor agreed to ITL the bill in order to submit a correct version next year. Vote 20-0.

REGULAR CALENDAR**HB 450-FN-A** extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Bettencourt for Children and Family Law: This bill extends the commission to study child support and related child custody issues that was established in 2003. Additionally, this bill makes an appropriation to the Department of Health and Human Services for the purpose of hiring an economist to establish models to assist the commission, which is required to review guidelines at least every four years. Vote 14-3.

Amendment (0394h)

Amend the bill by replacing section 1 with the following:

1 Extension of Commission to Study Child Support and Related Child Custody Issues. The commission to study child support and related child custody issues, established in 2003, 277 (HB 310), shall be extended for the purpose of serving as a continuing resource to the general court and the department of health and human services in revising the child support guidelines. The incumbent house members of the commission shall call the meeting to reconvene the commission. Upon reconvening, the commission shall elect a chairperson and vice chairperson from among the members and shall meet with such frequency as the commission deems appropriate. A vacancy on the commission shall be filed by the original appointing authority. If a legislative member of the commission is unable to serve on the commission in his or her original capacity, the commission may invite the member to continue to participate as a public member, with all the rights and responsibilities of other members of the commission. The commission shall submit a final report relative to implementation of its recommendations on or before December 1, 2006, to the speaker of the house of representatives, the senate president, the governor, the house clerk, the senate clerk, and the state library.

Adopted.

Committee report adopted by the necessary two-thirds.

Ordered to third reading.

HB 470-FN-A, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs. **OUGHT TO PASS**
Rep. Mary Stuart Gile for Children and Family Law: The Incentive Fund Program allocates funds to every county to encourage cities, towns and counties to develop and maintain prevention programs, court diversion and alternative dispositions for juveniles. Prevention programs are defined in statute as programs and activities to prevent child abuse and neglect. This bill raises the amount from 6% to 6-1/2% of funds allocated for foster care, adoption subsidies and residential care, excluding YDC, and adds a requirement for an evaluation report on the effectiveness of all programs receiving funds. Vote 16-1.

Committee report adopted by the necessary two-thirds.

Referred to the Committee on Finance.

HB 662-FN-A, making an appropriation to the department of health and human services for family mutual support services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anthony P. Matarazzo for Children and Family Law: This bill makes an appropriation to the Department of Health and Human Services to maintain the customary funding for family mutual support services for the mentally ill. Testimony in favor of the bill was unanimous. The amendment ensures that DHHS has adequate latitude to exercise its best judgment in contracting for these support services. The committee wishes to ensure the level of these services through adequate funding. Vote 12-5.

Amendment (0414h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Appropriation for Family Support Services. The sum of \$210,000 is hereby appropriated for the fiscal year ending June 30, 2006, and the sum of \$210,000 is hereby appropriated for the fiscal year ending June 30, 2007, to the department of health and human services for the purposes of the family mutual support system under RSA 126-P. Specifically the funds shall be used for programs that provide some or all of the following services: education of family members; education of the public; education designed to reduce stigma related to mental illness; an information and referral line; a resource library; or a website. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2 New Paragraph; Family Mutual Support Organizations; Definition Added. Amend RSA 126P:1 by inserting after paragraph II the following new paragraph:

II-a. "Family mutual support organization" means a nonprofit corporation which provides family to family education and support to families of individuals with mental illness and to the individuals themselves and the provision of public education to reduce the stigma associated with mental illness and other family mutual support services enumerated in RSA 126-P.

Adopted.

Committee report adopted by the necessary two-thirds.

Referred to the Committee on Finance.

HB 623-FN, relative to licensing requirements in the insurance and financial services industries. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen B. Stepanek for Commerce: The intent of this bill is to strengthen and more clearly define licensing requirements and penalties against a person who shall practice or attempt to practice as an insurance producer within the State of New Hampshire. This bill will specifically make one guilty of a Class A misdemeanor if a natural person, or a felony if any other person, if they practice as an insurance producer within the state. Vote 13-6.

Amendment (0370h)

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 12:

11 Section Reference Added. Amend RSA 402-J:1, II to read as follows:

II. This chapter applies to all persons required to be a licensed producer pursuant to the provisions of RSA 402:15; RSA 405:15; RSA 405:24; ~~RSA 405:44-a~~; RSA 405:44-b; RSA 406-C:3; RSA 407-C:3; RSA 408:42; RSA 416-A:15; RSA 418:5-a; RSA 420-A:7; RSA 420-B:18; RSA 420-F:3; and New Hampshire code of administrative rules Ins 2501.03.

Adopted.

Committee report adopted by the necessary two-thirds.

Referred to the Committee on Criminal Justice and Public Safety.

HB 339, relative to electioneering at polling places. **OUGHT TO PASS WITH AMENDMENT**
 Rep. Richard B. Drisko for Election Law: This bill, as amended, requires the moderator, prior to election day, to post a description of the areas where electioneering is permitted and prohibited at the polling place. The amendment extends the posting time to three days and clarifies the moderator as the responsible person. The committee felt that applying uniformity to the rules surrounding electioneering locations would simplify the election process. The moderator would still maintain control of the process. Vote 12-4.

Amendment (0411h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Preparation of Polling Place; Arrangement; Electioneering. Amend RSA 658:9 by inserting after paragraph III the following new paragraph:

IV. By 5:00 p.m. 3 business days before any election, the moderator shall post at each polling place a description of areas where electioneering activities are permitted and prohibited, pursuant to RSA 659:43, at that polling place.

AMENDED ANALYSIS

This bill requires the moderator to post a description of areas where electioneering is permitted and prohibited at polling places.

Adopted.

Committee report adopted by the necessary two-thirds.

Ordered to third reading.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

REGULAR CALENDAR (CONT'D.)

HB 669-FN, setting the laboratory fee schedule for certain environmental samples. **OUGHT TO PASS**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill updates the fee schedule for certain services offered by the Department of Environmental Services laboratory. Since the lab's fee schedule was reviewed in 1999, many changes have occurred with the net result of increased laboratory operating costs brought on by the following: the increased cost of laboratory consumables; the increased cost of salaries, especially benefits which have increased substantially, although lab staffing levels have remained at 1999 levels or below; the 50% rent increase expected in FY 2006; the increased request to undertake new projects in response to federal, state or department program initiatives, often with no associated funding source; the costs incurred to meet the quality assurance requirement for accreditation by the National Environmental Laboratory Accreditation Conference (NELAC). The committee supports this bill as it addresses the needs of the DES laboratory to cover its increased operational costs while still maintaining its low fees, and enabling private citizens to continue using the DES laboratory at a cost savings over private industry. Vote 12-6.

Committee report adopted.

Referred to the Committee on Ways and Means.

HB 103-FN-A, making an appropriation to the department of education for charter schools. **IN-EXPEDIENT TO LEGISLATE**

Rep. Kenneth H. Gould for Finance: State funding for charter schools will be considered in the state operating budget. There is a line in the budget for charter schools and the appropriation on that line for 2006/2007 will be part of the budget deliberation. Vote 21-0.

Adopted.

HB 686-FN, relative to the judicial branch family division. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frances D. Potter for Judiciary: This bill establishes a Family Court Division which will operate in all ten counties of the state. The bill is the result of a twelve-year process initiated by the legislature which included successful pilot programs in two counties. The goal of this legisla-

tion is to consolidate all family matters into the jurisdiction of one court to better serve our citizens. The Family Court Pilot Program has proven itself over a period of twelve years in two counties, one rural, one urban (Grafton & Rockingham), winning strong support from legislators, the families it serves, and the court system. About half the cases in family courts start with divorce actions. Family Court judges are compassionate and become skilled in working with these petitioners. The Family Court will assume jurisdiction over family matters, scattered around the Superior, District and Probate courts, which at times have been unevenly considered. Related matters from the present docket of the Superior Court, including divorce, nullification of marriage, alimony, paternity, custody and support, will be heard in this new court. In addition, the Family Court cases transferred from District to Family Court will include child neglect and abuse, juvenile delinquency, children in need of services and domestic violence. Cases transferred from Probate Court will include adoption, guardianship of minors, changes of name and termination of parental rights. The administrative judges of the Probate, District and Superior courts expressed enthusiasm about the proposal. They, and committee members, believe that this system will be user-friendly, offering a less adversarial proceeding, use of mediation and referees when deemed desirable and be efficient and cost-effective. The concentration of all records in one place will streamline the process with minimal increased costs. An additional advantage to this concept is that the state will be eligible for twice the amount it is currently receiving in federal 4-D funds. This bill is the result of years of study, discussion and collaboration among the legislature, the court system, and the people that we serve. Each element of this legislation has been carefully thought out, from jurisdictional matters to personnel placement and court locations. Using existing resources, this court will be able to best serve our families in crisis by providing a compassionate, efficient and less adversarial system. Vote 14-3.

Amendment (0386h)

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter: Judicial Branch Family Division. Amend RSA by inserting after chapter 490-C the following new chapter:

CHAPTER 490-D JUDICIAL BRANCH FAMILY DIVISION

490-D:1 Judicial Branch Family Division Established. The general court hereby organizes, constitutes, and establishes the judicial branch family division. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division court that is geographically accessible to the family.

490-D:2 Jurisdiction. Notwithstanding any law to the contrary and except for the limited need to allow an existing case to proceed with the same judge who had presided over it before the implementation of the judicial branch family division, following implementation of the division at a division site in accordance with RSA 490-D:5, jurisdiction over the following matters shall be exclusively exercised through the judicial branch family division as procedurally jurisdiction was previously exercised in the superior, district, and probate courts:

I. Petitions for divorce, nullity of marriage, alimony, custody of children, support, and to establish paternity.

II. Actions for support or custody for children of unwed parties.

III. Actions under RSA 169-B, relating to delinquent children except for concurrent jurisdiction with the district court to enter temporary detention orders under RSA 169-B:11, III and 169-B:12, IV(b).

IV. Actions under RSA 169-C, relating to abused and neglected children except for concurrent jurisdiction with the district court to enter orders under RSA 169-C:6, VI and RSA 169C:6-a.

V. Actions under RSA 169-D, relating to children in need of services except for concurrent jurisdiction with the district court to enter orders under RSA 169-D:8, I, RSA 169-D:9-a, and RSA 169-D:10.

VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district courts to enter temporary protective orders under RSA 173-B:4.

VII. The adoption of children in abuse and neglect cases pursuant to RSA 169-C, termination of parental rights cases pursuant to RSA 170-C, and guardianships of the person of minors pursuant to paragraph VIII. Jurisdiction over private, agency, and international adoptions shall remain with the probate court.

VIII. The guardianship of the person of minors. In cases involving the guardianship of both the person of a minor and the estate of the same minor, jurisdiction shall remain with the probate court.

IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490-D:3 Equity Jurisdiction. Notwithstanding any law to the contrary, the judicial branch family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the judicial branch family division. Suits in equity where subject matter jurisdiction lies with the judicial branch family division including, but not limited to, petitions for divorce, nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice of the judicial branch family division at any time, but nothing contained in this section shall be construed as limiting the power of the judicial branch family division to have issues of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings at common law.

490-D:4 Sites. The judicial branch family division shall operate at the following sites and such other sites as the supreme court, from time to time, determines, covering the following districts as delineated in RSA 502-A:1, except as otherwise indicated:

Grafton County

I. The courthouses in Grafton county which will house the judicial branch family division shall be the court facility in North Haverhill, the Plymouth District Court, the Littleton District Court, and the Lebanon District Court.

II.(a) Matters arising in municipalities located within the Haverhill district shall be heard in the court facility in North Haverhill.

(b) Matters arising in municipalities located within the Plymouth-Lincoln district shall be heard in the Plymouth District Court.

(c) Matters arising in municipalities located within the Littleton district shall be heard in the Littleton District Court.

(d) Matters arising in municipalities located within the Lebanon-Hanover district shall be heard in the Lebanon District Court.

Rockingham County

III. The courthouses in Rockingham county which will house the judicial branch family division shall be the court facility in Brentwood, the Portsmouth District Court, the Salem District Court, and the Derry District Court.

IV.(a) Matters arising in municipalities located within the Portsmouth district, the Hampton district, and the towns of Newfields, Newmarket, and Stratham shall be heard in the Portsmouth District Court.

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem District Court.

(c) Matters arising in municipalities located within the Auburn district (except for the towns of Deerfield, Northwood, Nottingham, and Raymond) and the Derry district shall be heard in the Derry District Court.

(d) Matters arising in municipalities located within the Exeter district (except for the towns of Newfields, Newmarket, and Stratham), the Plaistow district, and the towns of Deerfield, Northwood, Nottingham, and Raymond shall be heard in the court facility in Brentwood.

Coos County

V. The courthouses in Coos county which will house the judicial branch family division shall be the Colebrook District Court, the Berlin District Court, and the court facility in Lancaster.

VI.(a) Matters arising in municipalities located within the Colebrook district shall be heard in the Colebrook District Court.

(b) Matters arising in municipalities located within the Berlin-Gorham district shall be heard in the Berlin District Court.

(c) Matters arising in municipalities located within the Lancaster district shall be heard in the court facility in Lancaster.

Carroll County

VII. The courthouses in Carroll county which will house the judicial branch family division shall be the court facility in Ossipee and the District Court for northern Carroll County.

VIII.(a) Matters arising in municipalities located within the district for southern Carroll county shall be heard in the court facility in Ossipee.

(b) Matters arising in municipalities located within the district for northern Carroll county shall be heard in the District Court for northern Carroll County.

Sullivan County

IX. The courthouses in Sullivan county which will house the judicial branch family division shall be the Newport District Court and the Claremont District Court.

X.(a) Matters arising in municipalities located within the Newport district and the New London district in Merrimack county shall be heard in the Newport District Court.

(b) Matters arising in municipalities located within the Claremont district shall be heard in the Claremont District Court.

Strafford County

XI. The courthouses in Strafford county which will house the judicial branch family division shall be the Dover District Court and the Strafford county court facility in Dover.

XII.(a) Matters arising in municipalities located within the Dover-Somersworth-Durham district shall be heard in the Dover District Court.

(b) Matters arising in municipalities located within the Rochester district shall be heard in the Strafford county court facility in Dover.

Belknap County

XIII. The courthouse in Belknap county which will house the judicial branch family division shall be a facility located in Laconia, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XIV.(a) Matters arising in municipalities located within the Laconia district shall be heard in the judicial branch family division facility in Laconia.

(b) Matters arising in the towns of Sanbornton and Tilton shall be heard in the Franklin District Court in Merrimack county.

Hillsborough County

XV. The courthouses in Hillsborough county which will house the judicial branch family division shall be the Hillsborough County Superior Court for the northern judicial district, the Goffstown District Court, the Hillsborough County Superior Court for the southern judicial district, the Milford District Court, and the Merrimack District Court.

XVI.(a) Matters arising in municipalities located within the Manchester district shall be heard in the Hillsborough County Superior Court for the northern judicial district.

(b) Matters arising in municipalities located within the Goffstown district shall be heard in the Goffstown District Court.

(c) Matters arising in municipalities located within the Nashua district shall be heard in the Hillsborough County Superior Court for the southern judicial district.

(d) Matters arising in municipalities located within the Milford district shall be heard in the Milford District Court.

(e) Matters arising in municipalities located within the Merrimack district shall be heard in the Merrimack District Court.

(f) Matters arising in Hillsborough county municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court in Cheshire county.

(g) Matters arising in municipalities located within the Hillsborough district shall be heard in the Concord District Court in Merrimack county.

Merrimack County

XVII. The courthouses in Merrimack county which will house the judicial branch family division shall be the Franklin District Court, the Hooksett District Court, and a facility located in Concord, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XVIII.(a) Matters arising in municipalities located within the Franklin district shall be heard in the Franklin District Court.

(b) Matters arising in municipalities located within the Hooksett district shall be heard in the Hooksett District Court.

(c) Matters arising in municipalities located within the Concord district, the Henniker district, and the Hillsborough district shall be heard in the judicial branch family division facility in Concord.

(d) Matters arising in municipalities located within the New London district shall be heard in the Newport District Court in Sullivan county.

Cheshire County

XIX. The courthouses in Cheshire county which will house the judicial branch family division shall be the Jaffrey-Peterborough District Court and a facility located in Keene, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XX.(a) Matters arising in municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court

(b) Matters arising in municipalities located within the Keene district shall be heard in the judicial branch family division facility in Keene.

490-D:5 Implementation Plan. On the effective date of this chapter, the judicial branch family division shall be operational in Grafton and Rockingham counties. For the remaining counties, the judicial branch family division shall be made operational by order of the supreme court, generally in the order listed in RSA 490-D:4.

490-D:6 Judges and Marital Masters. The supreme court shall select and designate certain district and probate court judges as judicial branch family division judges and certain superior court marital masters as judicial branch family division marital masters. The designation of judges shall be based upon the judge's knowledge of, commitment to, and expertise in family law matters. The number of judicial branch family division judges and marital masters shall be based upon a review of anticipated caseload, population, judicial time and efficiency, available judicial resources, and other relevant criteria, including information from the weighted caseload system. When the judicial branch family division is fully implemented, all superior court marital masters shall be designated as judicial branch family division marital masters.

490-D:7 Nominations and Appointments of Marital Masters.

I. The administrative judge of the judicial branch family division shall recommend persons to the governor and council for initial appointment as marital masters. In recommending candidates for initial appointment as marital masters under this chapter, the division shall utilize the procedures and standards described in superior court rules in effect as of July 1, 2004, except as otherwise provided in this chapter.

II. For appointments of new marital masters, the administrative judge of the judicial branch family division shall submit to the governor the name of a nominee. The governor may accept the candidate nominated by the administrative judge and submit the candidate to the council for confirmation or may reject the candidate submitted by the administrative judge, and request a new nominee. If the council rejects a candidate for confirmation, the governor shall request a new nominee.

III. Marital masters shall serve an initial term of 3 years. Subsequent reappointments shall be made in accordance with judicial branch family division rules. During appointment terms, the authority and responsibility to conduct annual performance reviews, and termination, if necessary, shall be with the administrative judge of the judicial branch family division.

490-D:8 Qualifications of Marital Masters.

I. Marital masters shall possess the following qualifications:

(a) Professional experience in family law matters.

(b) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of divorce and a willingness to deal with complex family matters in a non-adversarial manner.

II. Each marital master shall complete a course in court process and procedures and mediation and negotiation.

490-D:9 Recommendations of Marital Masters. All recommendations of marital masters shall be signed by a judge.

490-D:10 Referee. The judicial branch family division, with the consent of the parties shall, and without the consent of the parties may, commit to one or more referees any cause at law or in equity, or the determination of any question of fact pending in the court wherein the parties are not, as matter of right, entitled to a trial by jury; and with the consent of the parties shall so commit any other cause or the determination of any other question of fact.

490-D:11 Staff. The supreme court shall identify a mechanism by which to assign and transfer such existing staff in the superior, district, and probate courts as is necessary to operate the judicial branch family division. Where possible, staff performing functions related to the jurisdiction of the judicial branch family division shall be transferred into similar positions in the division. The number of judicial branch family division staff shall be based upon a review of anticipated caseload, population, available staff resources, and other relevant criteria, including information from any weighted caseload system.

490-D:12 Judicial Branch Family Division Clerks. The administrative judge of the judicial branch family division shall appoint a clerk with responsibility for each judicial branch family division site. In the interest of the effective administration of justice, any such clerk may have responsibility for one or more judicial branch family division sites. Judicial branch family division clerks shall have the same duties as clerks of the superior and district courts and as registers of probate with respect to the judicial branch family division jurisdiction which was previously within the superior, district, and probate courts. Judicial branch family division clerks shall hold office during the pleasure of the administrative judge of the judicial branch family division.

490-D:13 Alternative Dispute Resolution. In implementing the judicial branch family division, the supreme court shall utilize alternative dispute resolution to reduce the adversarial nature of proceedings involving families. RSA 458:15-a shall be applicable to cases in the judicial branch family division.

490-D:14 Statutory References. During the implementation of the judicial branch family division, references in statutes involving the jurisdiction of the division to the superior, district, or probate courts shall be deemed to include the judicial branch family division. Following the full implementation of the division, those references shall be deemed to be to the judicial branch family division where it has exclusive jurisdiction of a subject matter and to the superior, district, or probate court and the judicial branch family division where the judicial branch family division has concurrent jurisdiction with one or more of those courts.

2 Designation of Part-time District Court Justice as Full-time District Court Justice. Amend RSA 491-A:3, IV to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, *the needs of the judicial branch family division*, and other relevant criteria may request the governor and council to designate a sitting part-time justice as a full-time justice. The court may recommend certain justices; however, the governor and council shall not be bound by that recommendation. Upon designation, that justice shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time district court justice.

3 Designation of Part-time Probate Court Judge as Full-time Judge. RSA 491-A:4, IV is repealed and reenacted to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, the needs of the judicial branch family division, and other relevant criteria, may request the governor and council to designate a sitting part-time probate judge as a full-time judge. The court may recommend certain judges; however, the governor and council shall not be bound by that recommendation. Upon designation, that judge shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time probate judge.

4 New Paragraph; Venue; Notice; Optional Manner of Service of Petitions. Amend RSA 458:9 by inserting after paragraph II the following new paragraph:

II-a. In lieu of service as described in paragraph II, the court may, after issuing orders of notice, send notice to the respondent indicating that the petition has been filed and that the respondent or

the respondent's attorney may accept service at the court within 10 days. If neither the respondent nor the attorney for the respondent accepts service at the court within 10 days as specified in the correspondence, the petition shall be forwarded to the petitioner for service in accordance with paragraph II.

5 Repeal. The following are repealed:

- I. RSA 490:33 – 490:35, relative to the family division.
- II. RSA 491:20-a – 491:20-c, relative to marital masters.

6 Effective Date.

I. Paragraph II of section 5 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. The remainder of this act shall take effect July 1, 2005.

Adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 698-FN, relative to the penalty assessments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen J. Shurtleff for Judiciary: Current law provides funding for NH Police Standards and Training Council training fund using the existing statutory method without causing any financial burden to local communities or taking money from the state's general fund. Since 1971, NH Police Standards and Training Council has provided quality training to New Hampshire's law enforcement community without cost to our municipalities. To meet the growing demands placed on law enforcement officers in this changing world and to maintain New Hampshire's high professional standards, the committee recommends passage of this bill. Vote 15-4.

Amendment (0360h)

Amend RSA 188-F:31, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If, pursuant to a negotiated plea, a case as described in paragraph I is placed on file with a finding of guilty, the amount of \$50 per offense shall be collected and shall be divided and designated as follows: 75 percent of the amount collected to the police standards and training council training fund and 25 percent to the victims' assistance fund as provided in paragraph IV unless the judge finds that the provisions of paragraph V apply.

AMENDED ANALYSIS

This bill changes the assessment method for the penalty assessment when a judge suspends all or all or part of the fine to apply the penalty assessment to the original fine amount.

The bill also establishes a new \$50 penalty assessment on certain cases which are placed on file with a finding of guilty, pursuant to a negotiated plea.

Adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 604-FN, relative to discounts in electronic toll collection and discontinuing the use of tokens. **OUGHT TO PASS WITH AMENDMENT**

Rep. John A. Graham for Public Works and Highways: This bill eliminates the use of tokens on the turnpike system on January 1, 2006. With the advent of E-Z Pass over the next few months the committee felt the time has come to do away with tokens. The Department of Transportation estimates that this action will save approximately \$750,000 a year in the purchase and handling of tokens. The amendment eliminates the mandate that a toll discount for E-Z Pass users be offered to New Hampshire residents due to a recent federal court ruling that found such discounts, based on residency only, to be in violation of the commerce clause of the U.S. Constitution. However, discounts can be offered to all who acquire their E-Z Pass transponders from the State of New Hampshire. The committee strongly urges the Governor and Executive Council to expeditiously establish the discount that will be offered to E-Z Pass users. The committee further recommends that the Governor and Council consider whether there should be different discount rates for the main turnpike system as opposed to the on-off ramp plazas (i.e. Merrimack). All other states on the eastern seaboard have done away with tokens save New Jersey, which is still allowing their use until the existing supply runs out. If we are to keep our turnpike system a financially sound and effective operation, we need to move ahead with E-Z Pass and eliminate the costly use of tokens. The NH Department of Transportation will make recommendations for the appropriate E-Z Pass discounts to the Executive Council. Vote 14-0.

Amendment (0249h)

Amend the title of the bill by replacing it with the following:

AN ACT discontinuing the use of tokens.

Amend the bill by deleting section 2 and renumbering the original sections 3 and 4 to read as 2 and 3, respectively

AMENDED ANALYSIS

This bill discontinues the use of tokens on the state turnpike system.

Adopted.

Rep. Mooney requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 195 NAYS 89**YEAS 195****BELKNAP**

Clark, Charles	Fitzgerald, James	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Knox, J David	McConkey, Mark	Morrow, Harry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Emerson, Susan	Espiefs, Peter
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Pelkey, Stephen
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Tholl, John Jr	

GRAFTON

Alger, John	Almy, Susan	Andersen, Gene	Barker, Robert
Benn, Bernard	Bleyler, Ruth	Cooney, Mary	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
Maybeck, Margie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Williams, Burton		

HILLSBOROUGH

Baines, Stephen	Bergin, Peter	Campbell, David	Carew, James
Chase, Claudia	Cote, Peter	Craig, James	Daniuk, Caitlin
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Emerton, Larry
Essex, David	Foster, Linda	Francoeur, Bea	Gargas, Carolyn
Graham, John	Haley, Robert	Hall, Betty	Hebert, Raymond
Hirschmann, Keith	Infantine, William	Irwin, Anne-Marie	Kurk, Neal
Manney, Pamela	Mead, Robert	Messier, Irene	O'Brien, William
Ober, Lynne	Pappas, Christopher	Pilote, Maurice	Price, Pamela
Reeves, Sandra	Ross, Lawrence	Slocum, Lee	Smith, David
Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Velez, Hector	Villeneuve, Maurice		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	Foose, Robert	French, Barbara

Greco, Vincent
Klose, John
McMahon, Patricia
Reardon, Tara
Yeaton, Charles

Hager, Elizabeth
Lockwood, Priscilla
Osborne, Jessie
Tilton, Joy

Hamm, Christine
MacKay, James
Owen, Derek
Walz, Mary Beth

Kidder, David
Maxfield, Roy
Potter, Frances
Williams, Robert

ROCKINGHAM

Asselin, Michael
Charron, Gene
Donahue, Richard Ken
Gilbert, Karl
Headd, James
Itse, Daniel
Mason, April
Parker, Benjamin
Rolston, James
Stiles, Nancy
Wiley, Robert

Bettencourt, David
Coburn, James
Flanders, John Sr
Gillick, Thomas
Hughes, Daniel
Kobel, Rudolph
O'Neil, Michael
Priestley, Anne
Sanders, Elisabeth
Waterhouse, Kevin
Winchell, George

Bicknell, Elbert
Dalrymple, Janeen
Francoeur, Sheila
Gould, Kenneth
Ingram, Russell
Langley, Jane
Packard, Sherman
Putnam, Ed II
Serlin, Christopher
Welch, David
Zolla, William

Buxton, Donald
Dodge, Robert
Garrity, James
Griffin, Mary
Introne, Robert
Major, Norman
Palazzo, Frank
Robertson, Carl
Smith, Paul
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Johnson, Nancy
Rollo, Michael
Taylor, Kathleen

Hilliard, Dana
Kaen, Naida
Schmidt, Peter

Hofemann, Roland
Miller, Joseph
Spang, Judith

Hollinger, Jeffrey
Newton, Clifford
Taylor, Katherine

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Rodeschin, Beverly

Donovan, Thomas
Irish, Christopher

Ferland, Brenda
Jillette, Arthur Jr

Gale, Harry
Prichard, Stephen

NAYS 89

BELKNAP

Boyce, Laurie

Pilliod, James

Rosen, Ralph

CARROLL

Babson, David Jr

Dickinson, Howard

CHESHIRE

Parkhurst, Henry

Roberts, Kris

COOS

Theberge, Robert

GRAFTON

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Beaulieu, Jane
Brassard, Paul
Clemons, Jane
Garrity, Patrick
Gorman, Mary
Harvey, Suzanne
Jasper, Shawn
L'Heureux, Robert
Mooney, Maureen
Rosenwald, Cindy
Souza, Kathleen

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Cote, David
Gibson, John
Goyette, Peter Jr
Hawkins, Ken
Jean, Claudette
Lasky, Bette
Movsesian, Lori
Rowe, Robert
Ulry, Jordan

Balboni, Michael
Biundo, Michael
Buhlman, David
Desmarais, Vivian
Goley, Jeffrey
Hagan, Barbara
Hellwig, Steve
Johnson, Paula
Matarazzo, Anthony Sr
Renzullo, Andrew
Ryder, Donald
Vaillancourt, Steve

Batula, Peter
Boehm, Ralph
Christensen, D L Chris
Elliott, Nancy
Gonzalez, Carlos
Hansen, Ryan
Hinkle, Peyton
Kopka, Angeline
Michon, Stephen
Rochette, Eric
Schulze, Joan
Wheeler, James

MERRIMACK

Blanchard, Elizabeth
Kennedy, Richard
Soltani, Tony

DeStefano, Stephen
Marple, Richard
Tupper, Frank

Field, William
Ryan, Jim
Whiting, Herbert

Gile, Mary
Shurtleff, Stephen

ROCKINGHAM

Cady, Harriet
Flockhart, Eileen
Quandt, Marshall Lee

Cali-Pitts, Jacqueline
Hopfgarten, Paul
Quandt, Matthew

Camm, Kevin
Lund, Howie
Splaine, James

Cooney, Richard
Pantelakos, Laura
Weare, E Albert

STRAFFORD

Bickford, David
Domingo, Baldwin

Brown, Jennifer
Goodwin, Earle

Chaplin, Duncan

Cilley, Jacalyn

SULLIVAN

Converse, Larry
and the committee report was adopted.
Ordered to third reading.

Franklin, Peter

Phinizy, James

HB 625-FN-L, relative to bonding limits for the Winnepesaukee river basin project. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin T. Tilton for Public Works and Highways: The intent of this bill was to remove a bonding limit of \$3,000,000 for the Winnepesaukee River Basin Project (WRBP), a regional authority which has constructed and operated public sewage disposal facilities for 10 Winnepesaukee river basin municipalities. The cost for operating and administering the WRBP is borne by the member communities. As the highly successful program has completed 25 years in operation, capital improvements exceeding that limit for renovation and modernization are needed. Subsequently, it was recognized that existing legislation allows the WRBP to borrow funds at appropriate levels from the State Revolving Fund (SRF) program. The amendment includes language that states this authority clearly and directly. Because of this, the amendment does not change the bonding limit. Vote 14-0.

Amendment (0365h)

Amend the title of the bill by replacing it with the following:

AN ACT authorizing borrowing from the state revolving loan fund for the Winnepesaukee river basin project.

Amend the bill by replacing section 1 with the following:

1 Winnepesaukee River Basin Control; Expenditures; State Revolving Fund Borrowing Added.
Amend RSA 485-A:49, 1 to read as follows:

I. With the approval of the governor and council, the department may use state, federal or other funds accruing to the department *and funds borrowed from the state water pollution control and drinking water revolving loan fund established under RSA 486:14* for the acquisition of existing sewage or waste treatment facilities, design and construction of new sewage or waste treatment facilities, alteration, improvement or additions to existing sewage or waste treatment facilities, pumping stations and intercepting sewers, inclusive of operation and maintenance of same; the terms operation and maintenance of treatment facilities shall include maintenance of all buildings, equipment, supplies, and administrative costs associated with the management of the treatment facilities, and for such other purposes as may be involved in the operation of an effective regional pollution control program. The department may purchase, take and hold for the state such materials, lands, easements and rights-of-way as may be required for the purposes of this subdivision. If the department is unable to purchase lands, easements or rights-of-way at what is deemed reasonable compensation, the department shall request the governor and council to appoint a commission to assess the damages sustained by the owner, and thereupon proceedings shall be conducted in the same manner and in accordance with provisions of RSA 230.

AMENDED ANALYSIS

This bill authorizes borrowing from the state water pollution control and drinking water revolving loan fund for the Winnepesaukee river basin sewage treatment project.

Adopted.

Committee report adopted and ordered to third reading.

HB 655-FN-A, increasing the boat registration fee for public boat access and exotic aquatic weed control. **INEXPEDIENT TO LEGISLATE**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill proposes a fee increase on the boat registration surcharge by adding 60% for the statewide boat access fund, 40% for the control of exotic aquatic weeds and 40% for the lake restoration and preservation fund. These surcharges were last increased in 2002 by more than 100%. The committee considers it premature to request further increases until we receive a report from the statutory committee established to study the best approach for controlling exotic weeds. Vote 13-4.

Adopted.

HB 622-FN-A, establishing an income tax. **INEXPEDIENT TO LEGISLATE**

Rep. Mary E. Griffin for Ways and Means: This bill would establish an income tax at the rate of 4 percent with certain exemptions. As income tax is paid first to the state in which you work, New Hampshire would receive no tax from those residents who work out of state, leaving the burden of this tax to fall only on those New Hampshire residents who work here. Even most of the proponents of an income tax found this to be a fatally flawed bill and could not support it. Vote 16-3.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 246 NAYS 45**YEAS 246****BELKNAP**

Boyce, Laurie	Clark, Charles	Fitzgerald, James	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	McConkey, Mark
Morrow, Harry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Butynski, William	Chase, William	Dexter, Judson	Dunn, J Timothy
Emerson, Susan	Espiefs, Peter	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Sawyer, Sheldon		

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Theberge, Robert	Tholl, John Jr

GRAFTON

Alger, John	Barker, Robert	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Harding, A Laurie	Maybeck, Margie	McLeod, Martha
Mirski, Paul	Mulholland, Catherine	Nordgren, Sharon	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Campbell, David	Carew, James	Christensen, D L Chris	Christiansen, Lars
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Essex, David	Foster, Linda	Francoeur, Bea	Gargas, Carolyn
Garrity, Patrick	Gibson, John	Goley, Jeffrey	Gonzalez, Carlos

Gorman, Mary
Haley, Robert
Hellwig, Steve
Irwin, Anne-Marie
Kopka, Angelina
Manney, Pamela
Michon, Stephen
Ober, Lynne
Reeves, Sandra
Ross, Lawrence
Smith, David
Tahir, Saghir
Villeneuve, Maurice

Goyette, Peter Jr
Hansen, Ryan
Hinkle, Peyton
Jasper, Shawn
Kurk, Neal
Matarazzo, Anthony Sr
Mooney, Maureen
Pappas, Christopher
Renzullo, Andrew
Rowe, Robert
Souza, Kathleen
Ulery, Jordan
Wheeler, James

Graham, John
Harvey, Suzanne
Hirschmann, Keith
Jean, Claudette
L'Heureux, Robert
Mead, Robert
Movsesian, Lori
Pilote, Maurice
Rochette, Eric
Ryder, Donald
Sullivan, Francis
Vaillancourt, Steve

Hagan, Barbara
Hawkins, Ken
Infantine, William
Johnson, Paula
Lasky, Bette
Messier, Irene
O'Brien, William
Price, Pamela
Rosenwald, Cindy
Slocum, Lee
Sullivan, Peter
Velez, Hector

MERRIMACK

Anderson, Eric
DeStefano, Stephen
Greco, Vincent
Kidder, David
Marple, Richard
Soltani, Tony
Walz, Mary Beth

Bouchard, Candace
Field, William
Hager, Elizabeth
Klose, John
McMahon, Patricia
Tilton, Joy
Whiting, Herbert

Clarke, Claire
French, Barbara
Hess, David
Lockwood, Priscilla
Ryan, Jim
Tupper, Frank

Currier, David
Gile, Mary
Kennedy, Richard
MacKay, James
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Asselin, Michael
Buxton, Donald
Carson, Sharon
DiFruscia, Anthony
Flockhart, Eileen
Gillick, Thomas
Hopfgarten, Paul
Itse, Daniel
Mason, April
Pantelakos, Laura
Quandt, Marshall Lee
Sanders, Elisabeth
Stiles, Nancy
Weyler, Kenneth

Bettencourt, David
Cady, Harriet
Charron, Gene
Dodge, Robert
Francoeur, Sheila
Gould, Kenneth
Hughes, Daniel
Kobel, Rudolph
O'Neil, Michael
Parker, Benjamin
Quandt, Matthew
Serlin, Christopher
Waterhouse, Kevin
Wiley, Robert

Bicknell, Elbert
Cali-Pitts, Jacqueline
Coburn, James
Donahue, Richard Ken
Garrity, James
Griffin, Mary
Ingram, Russell
Langley, Jane
Packard, Sherman
Priestley, Anne
Robertson, Carl
Smith, Paul
Weare, E Albert
Winchell, George

Bishop, Franklin
Camm, Kevin
Dalrymple, Janeen
Flanders, John Sr
Gilbert, Karl
Headd, James
Introne, Robert
Major, Norman
Palazzo, Frank
Putnam, Ed II
Rolston, James
Splaine, James
Welch, David
Zolla, William

STRAFFORD

Bickford, David
Domingo, Baldwin
Kaen, Naida
Taylor, Kathleen

Brown, Jennifer
Hilliard, Dana
Newton, Clifford

Cataldo, Sam
Hofemann, Roland
Rollo, Michael

Cilley, Jacalyn
Hollinger, Jeffrey
Taylor, Katherine

SULLIVAN

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Irish, Christopher

Franklin, Peter
Jillette, Arthur Jr

Gale, Harry
Rodeschin, Beverly

NAYS 45 BELKNAP

Morrison, Gail

CARROLL

CHESHIRE

Allen, Peter
Robertson, Timothy

Butcher, Suzanne
Tilton, Anna

Mitchell, Bonnie
Weed, Charles

Parkhurst, Henry

COOS

None

GRAFTONAlmy, Susan
Cooney, MaryAndersen, Gene
Hammond, LeeBenn, Bernard
Sokol, Hilda

Bleyler, Ruth

HILLSBOROUGHBeaulieu, Jane
Schulze, JoanChase, Claudia
Stepanek, Stephen

Hall, Betty

Hebert, Raymond

MERRIMACKBlanchard, Elizabeth
Hamm, Christine
Potter, FrancesBrueggemann, Donald
Maxfield, Roy
Reardon, TaraDeJoie, John
Osborne, Jessie
Williams, RobertFoose, Robert
Owen, Derek
Yeaton, Charles**ROCKINGHAM**

Cooney, Richard

Lund, Howie

STRAFFORDChaplin, Duncan
Schmidt, PeterGoodwin, Earle
Spang, Judith

Johnson, Nancy

Miller, Joseph

SULLIVAN

Cloutier, John

Converse, Larry

Phinizy, James

Prichard, Stephen

and the committee report was adopted.

Reps. Stepanek, Hebert, Hamm and Lund voted Nay and intended to vote Aye.

HB 219, relative to permitting audio and video recording on school buses. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Stephen R. L'Heureux for the Majority of Education: This bill seeks to allow audio recording in conjunction with video recording in the interior of a school bus. Overwhelming testimony indicated that video recording is currently utilized on buses where the bus driver or a student has documented a safety concern. When this occurs, jointly, the school district or school and the bus company place a video recorder in the bus to record the actions of students on that bus. If an incident occurs, the tapes are reviewed for a disciplinary proceeding. The committee heard testimony of a variety of inappropriate actions and violence that have placed the students at risk. It is currently illegal to audio record these actions. When a local school district contracts with a bus company, they jointly, at the local level, will determine the policies to utilize recording, the time frame to keep such a recording and who retains ownership of the tapes. The amendment addresses these contractual issues. Vote 13-3.

Rep. Clifford A. Newton for the Minority of Education: The right to privacy is so special that violations of it are, in most cases, a class B felony. This bill allows conversations of 5-year olds to be recorded and examined by people other than their parents, with said conversation now allowable for purposes of prosecution. This bill offers no opt-out plan for parents whose children have no choice but to ride a bus where all of their conversations and family references will be taped. There was no testimony of criminal acts where audio would have made a difference. Thorough examination and debate of all the legal aspects concerning something so important as privacy should have taken place.

Majority Amendment (0364h)

Amend RSA 570-A:2, II(k) as inserted by section 1 of the bill by replacing it with the following:

(k) The owner or operator of a school bus, as defined in RSA 259:96, to make an audio recording in conjunction with a video recording in the interior of the school bus while students are being transported to and from school or school activities provided that the school district authorizes such recording, the school bus company or school district provides notification of such recording to the parents and students, and there is a sign informing the occupants of such recording prominently displayed on the school bus. The length of time which the recording is retained

and the ownership of the recording shall be determined by the school district or subject to agreement between the school district and the school bus company. In no event, however, shall the recording be retained for longer than 60 days unless the school district determines that the recording is relevant to a disciplinary proceeding, or a court orders that it be retained for a longer period of time.

Majority amendment adopted.

Reps. Balboni and Ingbertson spoke against.

Rep. Packard spoke in favor.

Reps. Soltani and Newton spoke against and yielded to questions.

Rep. Hess spoke in favor and yielded to questions.

LAIID ON THE TABLE

Rep. Kurk moved that **HB 219**, relative to permitting audio and video recording on school buses, be laid on the table.

Rep. Balboni requested a roll call; sufficiently seconded.

The question being to lay HB 219 on the table.

YEAS 158 NAYS 154

YEAS 158

BELKNAP

Boyce, Laurie
Rosen, Ralph

Fitzgerald, James
Thomas, John

Morrison, Gail
Wendelboe, Fran

Pilliod, James
Whalley, Michael

CARROLL

Ahlgren, Christopher
Martin, James

Brown, Carolyn
Patten, Betsey

Chandler, Gene

Dickinson, Howard

CHESHIRE

Butcher, Suzanne
Hogancamp, Deborah
Richardson, Barbara

Butynski, William
Hunt, John

Dexter, Judson
Parkhurst, Henry

Espiefs, Peter
Pratt, John

COOS

King, Frederick

Mears, Edgar

Richardson, Herbert

GRAFTON

Alger, John
Benn, Bernard
Maybeck, Margie

Almy, Susan
Gionet, Edmond
Mirski, Paul

Andersen, Gene
Giuda, Robert
Sokol, Hilda

Barker, Robert
Ingbertson, Paul

HILLSBOROUGH

Adams, Jarvis IV
Bergin, Peter
Brundige, Robert
Chase, Claudia
Clemons, Jane
Desmarais, Vivian
Gibson, John
Graham, John
Hansen, Ryan
Jasper, Shawn
Lasky, Bette
Movesian, Lori
Price, Pamela
Sloum, Lee
Villeneuve, Maurice

Balboni, Michael
Biundo, Michael
Buhlman, David
Christensen, D L Chris
Cote, David
Drisko, Richard
Goley, Jeffrey
Hagan, Barbara
Harvey, Suzanne
Kopka, Angeline
McRae, Karen
O'Connell, Timothy
Reeves, Sandra
Souza, Kathleen
Wheeler, James

Batula, Peter
Boehm, Ralph
Campbell, David
Christiansen, Lars
Craig, James
Emerton, Larry
Gonzalez, Carlos
Haley, Robert
Hellwig, Steve
Kurk, Neal
Messier, Irene
Ober, Lynne
Renzullo, Andrew
Stepanek, Stephen

Bergeron, Jean-Guy
Brassard, Paul
Chabot, Robert
Clark, Mark
Daniuk, Caitlin
Francoeur, Bea
Goyette, Peter Jr
Hall, Betty
Holden, Randolph
L'Heureux, Robert
Michon, Stephen
Pappas, Christopher
Rowe, Robert
Vaillancourt, Steve

MERRIMACK

Anderson, Eric	Field, William	French, Barbara	Gile, Mary
Hamm, Christine	Kennedy, Richard	Langlais, Thomas	Lockwood, Priscilla
Marple, Richard	Oliver, James	Ryan, Jim	Soltani, Tony
Tilton, Joy	Tupper, Frank	Whiting, Herbert	

ROCKINGHAM

Bettencourt, David	Bicknell, Elbert	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	Dalrymple, Janeen
DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken	Dumaine, Dudley
Francoeur, Sheila	Gillick, Thomas	Griffin, Mary	Ingram, Russell
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Major, Norman	Mason, April	O'Neil, Michael
Pantelakos, Laura	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Rolston, James	Smith, Paul	Splaine, James	Weyler, Kenneth
Zolla, William			

STRAFFORD

Bickford, David	Cataldo, Sam	Chaplin, Duncan	Goodwin, Earle
Hollinger, Jeffrey	Kaen, Naida	Newton, Clifford	Rollo, Michael
Schmidt, Peter	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Gale, Harry	Jillette, Arthur Jr	Prichard, Stephen	Rodeschin, Beverly
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NAYS 154**BELKNAP**

Clark, Charles	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Russell, David	Tilton, Franklin	Tobin, William	

CARROLL

Babson, David Jr	Buco, Thomas	Knox, J David	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Philbrick, Donald	

CHESHIRE

Allen, Peter	Chase, William	Dunn, J Timothy	Emerson, Susan
Mitchell, Bonnie	Pelkey, Stephen	Plifka, Stanley Jr	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	Merrick, Scott	Remick, William	Theberge, Robert
Tholl, John Jr			

GRAFTON

Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Baines, Stephen	Beaulieu, Jane	Calawa, Leon Jr
Carew, James	Cote, Peter	DeVries, Betsi	Dokmo, Cynthia
Dyer, Donald	Elliott, Nancy	Essex, David	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Gorman, Mary	Hawkins, Ken
Hebert, Raymond	Hinkle, Peyton	Infantine, William	Irwin, Anne-Marie
Jean, Claudette	Johnson, Paula	Manney, Pamela	Matarazzo, Anthony Sr
Mead, Robert	Mooney, Maureen	O'Brien, William	Pilotte, Maurice
Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald
Schulze, Joan	Shaw, Barbara	Smith, David	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Ulery, Jordan	Velez, Hector

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
Greco, Vincent	Hager, Elizabeth	Hess, David	Kidder, David
Klose, John	MacKay, James	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Shurtleff, Stephen	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Asselin, Michael	Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald
Cali-Pitts, Jacqueline	Charron, Gene	Cooney, Richard	Flanders, John Sr
Flockhart, Eileen	Garrity, James	Gilbert, Karl	Gould, Kenneth
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Introne, Robert
Johnson, Robert	Langley, Jane	Lund, Howie	Packard, Sherman
Palazzo, Frank	Parker, Benjamin	Priestley, Anne	Putnam, Ed II
Sanders, Elisabeth	Serlin, Christopher	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Welch, David	Wiley, Robert	Winchell, George

STRAFFORD

Brown, Jennifer	Cilley, Jacalyn	Domingo, Baldwin	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Miller, Joseph	Spang, Judith
Taylor, Katherine			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Irish, Christopher	Phinizy, James

and HB 219 was laid on the table.

Rep. Hirschmann declared a conflict of interest and did not participate.

REGULAR CALENDAR (CONT'D.)**(Deputy Speaker Weyler in the Chair)**

HB 276, relative to nominations by nomination papers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael G. Biundo for the Majority of Election Law: This bill would reduce the number of nomination papers needed to run for certain offices. Although well intended by the sponsor, it is the opinion of the majority of the committee that this bill sets an unreasonably low number of nomination papers needed to run for certain state offices. The committee believes every person should have ballot access but that reasonable requirements must be met. Vote 11-4.

Rep. Charles F. Weed for the Minority of Election Law: Right now, a candidate can attain "ballot access," in other words, run as a candidate on the ballot in the November general election, by winning the Republican or Democratic primary in September and securing that party's nomination. A candidate can also get on the ballot by petition of a certain number of registered voters. This bill reduces the number of required petitions by a substantial amount, thus allowing, in the view of the minority of the committee, a better and fairer election process. Part I, Article 11 of the NH Constitution points out that, "Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office." Constitutional qualifications do not include membership in either of the two major parties.

Rep. Weed requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 239 NAYS 71**YEAS 239****BELKNAP**

Boyce, Laurie	Clark, Charles	Fitzgerald, James	Heald, Bruce
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Philbrick, Donald

CHESHIRE

Dexter, Judson
Hunt, John
Pliffka, Stanley Jr

Dunn, J Timothy
Mitchell, Bonnie
Sawyer, Sheldon

Emerson, Susan
Parkhurst, Henry

Hogancamp, Deborah
Pelkey, Stephen

COOS

King, Frederick
Tholl, John Jr

Mears, Edgar

Remick, William

Richardson, Herbert

GRAFTON

Alger, John
Benn, Bernard
Ham, Bonnie
Mulholland, Catherine

Almy, Susan
Bleyler, Ruth
Ingbreton, Paul
Williams, Burton

Andersen, Gene
Gionet, Edmond
Maybeck, Margie

Barker, Robert
Giuda, Robert
Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Calawa, Leon Jr
Christensen, D L Chris
Desmarais, Vivian
Dyer, Donald
Francoeur, Bea
Gonzalez, Carlos
Hagan, Barbara
Hellwig, Steve
Infantine, William
Kurk, Neal
McRae, Karen
Movsesian, Lori
Pilotte, Maurice
Rochette, Eric
Ryder, Donald
Stepanek, Stephen
Velez, Hector

Allan, Nelson
Bergeron, Jean-Guy
Brassard, Paul
Campbell, David
Christiansen, Lars
DeVries, Betsi
Elliott, Nancy
Gargas, Carolyn
Gorman, Mary
Hansen, Ryan
Hinkle, Peyton
Jasper, Shawn
L'Heureux, Robert
Mead, Robert
O'Brien, William
Price, Pamela
Rosenwald, Cindy
Slocum, Lee
Sullivan, Francis
Villeneuve, Maurice

Baines, Stephen
Bergin, Peter
Brundige, Robert
Crew, James
Clark, Mark
Dokmo, Cynthia
Emerton, Larry
Gibson, John
Goyette, Peter Jr
Hawkins, Ken
Hirschmann, Keith
Johnson, Paula
Manney, Pamela
Messier, Irene
O'Connell, Timothy
Reeves, Sandra
Ross, Lawrence
Smith, David
Tahir, Saghir
Wheeler, James

Balboni, Michael
Biundo, Michael
Buhlman, David
Chabot, Robert
Cote, David
Drisko, Richard
Foster, Linda
Goley, Jeffrey
Graham, John
Hebert, Raymond
Holden, Randolph
Kopka, Angeline
Matarazzo, Anthony Sr
Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Rowe, Robert
Souza, Kathleen
Ulery, Jordan
Wheeler, Robert

MERRIMACK

Anderson, Eric
Currier, David
Hager, Elizabeth
Kidder, David
Marple, Richard
Reardon, Tara

Blanchard, Elizabeth
DeJoie, John
Hamm, Christine
Klose, John
Maxfield, Roy
Soltani, Tony

Brueggemann, Donald
Field, William
Hess, David
Langlais, Thomas
McMahon, Patricia
Whiting, Herbert

Clarke, Claire
Greco, Vincent
Kennedy, Richard
MacKay, James
Oliver, James

ROCKINGHAM

Asselin, Michael
Bridle, Russell
Charron, Gene
DiFruscia, Anthony
Flanders, John Sr
Gilbert, Karl

Bettencourt, David
Buxton, Donald
Coburn, James
Dodge, Robert
Flockhart, Eileen
Gillick, Thomas

Bicknell, Elbert
Camm, Kevin
Cooney, Richard
Donahue, Richard Ken
Francoeur, Sheila
Gould, Kenneth

Bishop, Franklin
Carson, Sharon
Dalrymple, Janeen
Dumaine, Dudley
Garrity, James
Griffin, Mary

Headd, James
 Introne, Robert
 Katsakiores, George
 Major, Norman
 Palazzo, Frank
 Quandt, Marshall Lee
 Sanders, Elisabeth
 Waterhouse, Kevin
 Winchell, George

Hopfgarten, Paul
 Itse, Daniel
 Katsakiores, Phyllis
 Mason, April
 Parker, Benjamin
 Quandt, Matthew
 Scamman, W Douglas
 Weare, E Albert
 Zolla, William

Hughes, Daniel
 Johnson, Robert
 Kobel, Rudolph
 O'Neil, Michael
 Priestley, Anne
 Robertson, Carl
 Smith, Paul
 Welch, David

Ingram, Russell
 Johnson, Rogers
 Lund, Howie
 Packard, Sherman
 Putnam, Ed II
 Rolston, James
 Stiles, Nancy
 Wiley, Robert

STRAFFORD

Bickford, David
 Cilley, Jacalyn
 Johnson, Nancy
 Spang, Judith

Brown, Jennifer
 Domingo, Baldwin
 Miller, Joseph
 Taylor, Katherine

Cataldo, Sam
 Goodwin, Earle
 Newton, Clifford
 Taylor, Kathleen

Chaplin, Duncan
 Hollinger, Jeffrey
 Rollo, Michael
 Wall, Janet

SULLIVAN

Converse, Larry
 Phinizy, James

Gale, Harry
 Rodeschin, Beverly

Irish, Christopher

Jillette, Arthur Jr

NAYS 71 BELKNAP

None

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter
 Espiefs, Peter
 Robertson, Timothy

Butcher, Suzanne
 Pratt, John
 Tilton, Anna

Butynski, William
 Richardson, Barbara
 Weed, Charles

Chase, William
 Roberts, Kris

COOS

Buzzell, Bernard

Merrick, Scott

GRAFTON

Cooney, Mary
 Nordgren, Sharon

Hammond, Lee
 Sokol, Hilda

Harding, A Laurie

McLeod, Martha

HILLSBOROUGH

Beaulieu, Jane
 Craig, James
 Haley, Robert
 Jean, Claudette
 Schulze, Joan

Chase, Claudia
 Daniuk, Caitlin
 Hall, Betty
 Lasky, Bette
 Shaw, Barbara

Clemons, Jane
 Essex, David
 Harvey, Suzanne
 Michon, Stephen
 Sullivan, Peter

Cote, Peter
 Garrity, Patrick
 Irwin, Anne-Marie
 Pappas, Christopher
 Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
 Gile, Mary
 Ryan, Jim
 Wallner, Mary Jane

DeStefano, Stephen
 Osborne, Jessie
 Shurtleff, Stephen
 Walz, Mary Beth

Foose, Robert
 Owen, Derek
 Tilton, Joy
 Yeaton, Charles

French, Barbara
 Potter, Frances
 Tupper, Frank

ROCKINGHAM

Blanchard, MaryAnn
 Serlin, Christopher

Cady, Harriet
 Splaine, James

Cali-Pitts, Jacqueline

Pantelakos, Laura

STRAFFORD

Hilliard, Dana

Hofemann, Roland

Kaen, Naida

Schmidt, Peter

SULLIVAN

Cloutier, John

Donovan, Thomas

Ferland, Brenda

Franklin, Peter

Houde-Quimby, Charlotte

Prichard, Stephen

and the majority committee report was adopted.

HB 399-FN, relative to the Informed Consent for Abortion Act. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Bonnie G. Mitchell for the Majority of Health, Human Services and Elderly Affairs: This bill interferes with the physician/patient relationship. There are already generally accepted medical and ethical procedures which exist between patient and physician that require a patient to be given materials which would lead to an informed consent. The requirement of a 24 hour waiting period is also objectionable. There is no other medical procedure that requires a reflection period. The waiting period represents unequal access to care for the poor, the young and those living in rural areas. The use of "unborn child" terminology is not medical terminology. This bill also forces physicians to give inaccurate medical information under threat of imprisonment. Finally, this bill is an attempt to clearly limit access to abortion for a population with already limited access. Vote 9-7.

Rep. Fran Wendelboe for the Minority of Health, Human Services and Elderly Affairs: In *Roe v. Wade*, the U.S. Supreme Court established a right to choose to terminate or continue pregnancy, but as Justices O'Connor, Kennedy, and Souter opined in plurality in *Casey*, "it does not at all follow that the State is prohibited from taking steps to ensure that this choice is thoughtful and informed." The U.S. Supreme Court in *Casey v. Planned Parenthood* clarified a state's interest on the very issues contained in this bill. There are two main purposes of this bill: 1) that a woman considering an abortion be given unbiased material on risks and alternatives at least 24 hours before an abortion; and 2) adopting the construction of "Medical Emergency" accepted by the U.S. Supreme Court in *Casey*. A synopsis of the informed consent section of this bill would be that at least 24 hours before an abortion, a woman shall be provided: 1) the name of the physician who will perform the abortion; 2) medically accurate information that a reasonable patient would consider in the decision, a description of the proposed abortion method, the immediate and long term medical risks, alternatives to abortion; 3) The probable gestational age of the unborn child at the time the abortion is to be performed and the anatomical and physiological characteristics of the unborn child at the time the abortion would be performed; 4) The medical risks to carrying a child to term. Additionally, information regarding the liability of the father for support, a list of public and private agencies able to assist a woman throughout her pregnancy, upon childbirth, and after - including adoption. All of these provisions were upheld in *Casey* and deemed by the court not to be an undue burden on a woman considering abortion. Specific mention in the decision held that it does not interfere with a patient/physician relationship, that a 24 hour period does not represent an undue burden on any class of society when weighed against the interest of the state as enumerated in *Roe* and further explained in *Casey*. The majority had an opportunity to change provisions it considered to be objectionable with an amendment and chose to not support the amendment. The minority asks that the ITL be overturned, so that an amendment addressing every area of substance the majority objected to may be brought forward.

Reps. Hagan, Bettencourt and Field spoke against.

Reps. Mitchell and Miller spoke in favor.

Rep. Wendelboe spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Hagan requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 207 NAYS 113**YEAS 207****BELKNAP**

Allen, Janet

Heald, Bruce

Millham, Alida

Morrison, Gail

Nedeau, Stephen

Pilliod, James

Russell, David

CARROLL

Babson, David Jr

Buco, Thomas

Chandler, Gene

Dickinson, Howard

Knox, J David

Martin, James

McConkey, Mark

Merrrow, Harry

Olimpio, J Lisbeth

Patten, Betsey

Philbrick, Donald

CHESHIRE

Allen, Peter
Dunn, J Timothy
Hogancamp, Deborah
Pelkey, Stephen
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Hunt, John
Plifka, Stanley Jr
Robertson, Timothy

Chase, William
Emerson, Susan
Mitchell, Bonnie
Pratt, John
Sawyer, Sheldon

Dexter, Judson
Espiefs, Peter
Parkhurst, Henry
Richardson, Barbara
Tilton, Anna

COOS

Buzzell, Bernard
Remick, William

King, Frederick
Theberge, Robert

Mears, Edgar
Tholl, John Jr

Merrick, Scott

GRAFTON

Alger, John
Benn, Bernard
Hammond, Lee
Nordgren, Sharon

Almy, Susan
Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

Andersen, Gene
Cooney, Mary
McLeod, Martha
Williams, Burton

Barker, Robert
Gionet, Edmond
Mulholland, Catherine

HILLSBOROUGH

Baines, Stephen
Campbell, David
Cote, David
Desmarais, Vivian
Emerton, Larry
Garrity, Patrick
Hall, Betty
Kopka, Angeline
Messier, Irene
Price, Pamela
Ross, Lawrence
Sullivan, Francis
Villeneuve, Maurice

Beaulieu, Jane
Chase, Claudia
Cote, Peter
DeVries, Betsi
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Kurk, Neal
Movsesian, Lori
Renzullo, Andrew
Scanlon, Michael
Sullivan, Peter
Wheeler, Robert

Bergin, Peter
Christensen, D L Chris
Craig, James
Dokmo, Cynthia
Foster, Linda
Gorman, Mary
Holden, Randolph
Lasky, Bette
O'Connell, Timothy
Rochette, Eric
Shaw, Barbara
Vaillancourt, Steve

Calawa, Leon Jr
Clemons, Jane
Daniuk, Caitlin
Drisko, Richard
Gargas, Carolyn
Graham, John
Irwin, Anne-Marie
McRae, Karen
Pappas, Christopher
Rosenwald, Cindy
Smith, David
Velez, Hector

MERRIMACK

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Clarke, Claire
Foose, Robert
Hager, Elizabeth
Klose, John
Maxfield, Roy
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Walz, Mary Beth

Blanchard, Elizabeth
Currier, David
French, Barbara
Hamm, Christine
Lockwood, Priscilla
McMahon, Patricia
Potter, Frances
Tilton, Joy
Williams, Robert

Bouchard, Candace
DeJoie, John
Gile, Mary
Kennedy, Richard
MacKay, James
Oliver, James
Reardon, Tara
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
Kidder, David
Marple, Richard
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

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Asselin, Michael
Buxton, Donald
DiFruscia, Anthony
Francoeur, Sheila
Katsakiores, George
Major, Norman
Pantelakos, Laura
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Weare, E Albert

Bishop, Franklin
Cali-Pitts, Jacqueline
Dowling, Patricia
Gilbert, Karl
Katsakiores, Phyllis
McKinney, Betsy
Parker, Benjamin
Scamman, W Douglas
Winchell, George

Blanchard, MaryAnn
Camm, Kevin
Flanders, John Sr
Gould, Kenneth
Kobel, Rudolph
Nowe, Ronald
Priestley, Anne
Serlin, Christopher

Bridle, Russell
Coburn, James
Flockhart, Eileen
Johnson, Robert
Langley, Jane
O'Neil, Michael
Robertson, Carl
Splaine, James

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Brown, Jennifer
Domingo, Baldwin

Cataldo, Sam
Goodwin, Earle

Hilliard, Dana
 Rollo, Michael
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 Schmidt, Peter
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 Spang, Judith

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 Taylor, Katherine

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 Gale, Harry
 Prichard, Stephen

Converse, Larry
 Houde-Quimby, Charlotte
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 Jillette, Arthur Jr

Franklin, Peter
 Phinizy, James

NAYS 113

BELKNAP

Boyce, Laurie
 Tilton, Franklin

Clark, Charles
 Tobin, William

Fitzgerald, James
 Wendelboe, Fran

Rosen, Ralph
 Whalley, Michael

CARROLL

Ahlgren, Christopher

Brown, Carolyn

CHESHIRE

Butynski, William

COOS

Richardson, Herbert

Stohl, Eric

GRAFTON

Giuda, Robert
 Mirski, Paul

Ham, Bonnie

Ingbretson, Paul

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
 Bergeron, Jean-Guy
 Brundige, Robert
 Christiansen, Lars
 Francoeur, Bea
 Hagan, Barbara
 Hebert, Raymond
 Infantine, William
 L'Heureux, Robert
 Michon, Stephen
 Pilote, Maurice
 Slocum, Lee
 Ulery, Jordan

Allan, Nelson
 Biundo, Michael
 Buhlman, David
 Clark, Mark
 Gibson, John
 Haley, Robert
 Hellwig, Steve
 Jasper, Shawn
 Manney, Pamela
 Mooney, Maureen
 Reeves, Sandra
 Souza, Kathleen
 Wheeler, James

Balboni, Michael
 Boehm, Ralph
 Carew, James
 Dyer, Donald
 Gonzalez, Carlos
 Hansen, Ryan
 Hinkle, Peyton
 Jean, Claudette
 Matarazzo, Anthony Sr
 O'Brien, William
 Rowe, Robert
 Stepanek, Stephen

Batula, Peter
 Brassard, Paul
 Chabot, Robert
 Elliott, Nancy
 Goyette, Peter Jr
 Hawkins, Ken
 Hirschmann, Keith
 Johnson, Paula
 Mead, Robert
 Ober, Lynne
 Ryder, Donald
 Tahir, Saghir

MERRIMACK

Field, William
 Whiting, Herbert

Hess, David

Langlais, Thomas

Soltani, Tony

ROCKINGHAM

Bettencourt, David
 Charron, Gene
 Donahue, Richard Ken
 Griffin, Mary
 Ingram, Russell
 Lund, Howie
 Putnam, Ed II
 Smith, Paul
 Wiley, Robert

Bicknell, Elbert
 Cooney, Richard
 Dumaine, Dudley
 Headd, James
 Introne, Robert
 Mason, April
 Quandt, Marshall Lee
 Stiles, Nancy
 Zolla, William

Cady, Harriet
 Dalrymple, Janeen
 Garrity, James
 Hopfgarten, Paul
 Itse, Daniel
 Packard, Sherman
 Quandt, Matthew
 Waterhouse, Kevin

Carson, Sharon
 Dodge, Robert
 Gillick, Thomas
 Hughes, Daniel
 Johnson, Rogers
 Palazzo, Frank
 Rolston, James
 Welch, David

STRAFFORD

Hofemann, Roland

Hollinger, Jeffrey

Newton, Clifford

SULLIVAN

Donovan, Thomas Irish, Christopher Rodeschin, Beverly
and the majority committee report was adopted.
Rep. Phyllis Katsakiores voted Yea and intended to vote Nay.
The House recessed at 12:40 p.m.

RECESS**(Speaker Scamman in the Chair)**

The House reconvened at 1:40 p.m.

REGULAR CALENDAR (CONT'D.)

HB 574-FN, requiring the reporting of burn injuries. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rogers J. Johnson for the Majority of Health, Human Services and Elderly Affairs: As first introduced, this bill required health professionals to report every burn injury to the State Fire Marshall's Office. A subcommittee found that issue to be onerous, as did the New Hampshire Hospital Association and the New Hampshire Medical Society. The amendment requires health professionals to report burn injuries only if they believe the injuries resulted from the commission of a crime or the handling of explosives. The amended version has the support of the Hospital Association, the Medical Society, and the Fire Marshall's Office. The fiscal note will also be amended and, if this bill is passed by the House, it will be removed. Vote 16-1.

Rep. Bonnie G. Mitchell for the Minority of Health, Human Services and Elderly Affairs: While the reporting of burn injuries could be valuable data for gathering information for the commission of crimes it appears to single out the explosives industry. If the intent of this bill is intended to gather information to support legislation to point to the explosives industry, it should state so.

Majority Amendment (0464h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Reporting of Burn Injuries. Amend RSA 153 by inserting after section 11 the following new section:

153:11-a Reporting of Burn Injuries.

I. In any case where a health care professional is called upon to examine or treat a person for a burn injury and has reasonable cause to suspect that the burn injury was sustained in connection with the commission of a crime, or in the handling of explosives, or if a burn injury requires impatient admission to a hospital, the health care professional shall report such burn injury to the state fire marshal immediately by telephone or electronic means and followed within 48 hours by a report in writing, if so requested by the state fire marshal.

II. A health care practitioner who, acting in good faith in reporting under this section or participating in a related investigation or proceeding, makes a report pursuant to paragraph I, shall be immune from civil or criminal liability for the act of reporting or participating in a related investigation or proceeding.

III. The state fire marshal shall adopt rules, pursuant to RSA 541-A, relative to the reporting of burn injuries required under paragraph I of this section.

IV. The bureau of emergency medical services shall provide notification to the state fire marshal of burn injury reports which it receives from emergency medical services providers. In the event that a patient receives emergency medical treatment for a burn injury described under this section before being treated in a hospital or a physician's office, the health care practitioner shall not be required to report the burn injury as provided under this section.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill requires health care professionals to report burn injuries to the state fire marshal in certain circumstances. The bill grants rulemaking authority to the state fire marshal for the purposes of the bill.

Majority amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 79, relative to protective orders in domestic violence cases. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Donald R. Buxton for the Majority of Judiciary: The committee considered the testimony of many professionals, including the NH Chiefs of Police Association and domestic violence advocacy groups, as well as others, all of whom were opposed to this bill. We heard that domestic violence is all about power and that the present law establishes a balance between protecting the safety and rights of victims and those of the defendants. The overwhelming sense of the committee was that we should not weaken the current procedure for handling domestic violence and upset this delicate balance. Some of the assertions made by the proponents of the bill, such as sixth amendment rights for the defendant and lack of avenues of pursuit for resolving issues involved, proved to be hyperbole. Domestic violence orders can be modified to permit contact. Assault, harassment, trespass and other statutes are still available to the defendant for any remedy for perceived misconduct by the victim. Vote 16-3.

Rep. James E. Wheeler for the Minority of Judiciary: While the minority admits there were some significant problems with the original bill, it believes there is a serious issue that needs to be addressed. It is unjust to allow a person to be convicted of violating a protective order that prohibits contact with the person who sought the order, when the person who sought the order initiates the contact that causes a violation of that order. The minority amendment throws out the original bill and simply states that a defendant shall not be held criminally liable for violating a protective order if the alleged victim initiated the contact. It still allows for prosecution of other crimes, such as criminal threatening or assault, if those crimes are committed during the contact. This bill, with the minority amendment, will give some protection to the defendants to prevent them from being entrapped, either accidentally or intentionally, by the alleged victims, into violating a no-contact provision of a protective order. This bill, with the proposed amendment, will restore a little fairness to our state's system for dealing with domestic violence.

Majority committee report adopted.

HB 302, establishing a county mileage surcharge for service of documents by county sheriffs. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. John B. Hunt for the Majority of Judiciary: The original bill proposed that each county may charge a flat fee for mileage that was an average cost for delivery. The committee, however, did not believe there was a problem with the current per mile charge. The amendment corrects the statute to reflect current practice wherein the fee is assessed using the sheriff's office as the starting point rather than the "residence of the officer" which is currently in the law. The amendment also will allow the correct mileage charge of 45 cents per mile to increase when the Internal Revenue reimbursement rate goes above the current 45 cent rate. Vote 16-2.

Rep. Robert H. Rowe for the Minority of Judiciary: This legislation changes the statutory fee for sheriffs serving any writ, notice, subpoena, process or execution. There is an existing statute that exempts service charges for domestic violence matters. The minority is greatly concerned that this bill will void the statute exempting domestic violence matters. The minority's concern has not been negated.

Majority Amendment (0327h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the mileage rate for service of documents by county sheriffs.

Amend the bill by replacing all after the enacting clause with the following:

1 Sheriffs; Fees; Mileage. Amend RSA 104:31, IV to read as follows:

IV. In every county for actual travel to serve any writ, notice, subpoena, process, or execution, to be reckoned from the place of service to the ~~[residence of the officer]~~ *sheriff's office*, and for travel to attend any court by the order thereof, to be reckoned from the ~~[residence of the officer]~~ *sheriff's office* to the court, each mile, each way, *either \$.45 or the maximum rate per mile allowed by the Internal Revenue Code and regulations, whichever is greater.*

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the mileage reimbursement rate for service of any writ, notice, subpoena, process, or execution by county sheriffs to be the greater of \$.45 or the rate allowed by the Internal Revenue Service.

Majority amendment adopted.

Rep. Rowe spoke against.

Rep. Hunt spoke in favor.

Majority committee report adopted.

Referred to the Committee on Ways and Means.

HB 633-FN-A, relative to companies which do not provide health insurance to their employees and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The intent of this bill is to increase the number of employers who provide health insurance for their employees by mandating the employer pay a \$.50 per hour fee for each full time employee not covered by a health plan. These fees would be held by the state under a so-called employee health insurance fund and expended for health insurance costs for employees who do not have health insurance through their employers. The committee felt that it would be more cost effective for an employer to pay \$.50/hour than to offer and pay for a health insurance plan and that this bill may result in fewer employers offering health insurance. The bill offered no specifics on how the program would be administered and left the rule-making responsibilities to the Labor Commissioner. The bill also did not define what "providing health insurance" meant, i.e. employer offers a plan and fee cost to employee, percent participation by employer, what benefits to be covered, what deductibles, etc. Vote 10-5.

Rep. Weed spoke against.

Rep. Infantine spoke in favor.

Committee report adopted.

HB 218-FN-L, relative to the apportionment of county taxes to municipalities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the Majority of Municipal and County Government: This bill would require a whole new structure to determine tax liabilities of the county taxpayers. Each county could determine its own formula for apportionment. The bill was too open ended as it would have allowed "other factors" to be used in the formula setting. Another concern was that the towns within each county are not on the same assessment schedule and that perhaps there should be just one county assessor doing all the towns within the county on the same schedule. The majority of the committee believes that substantial study is required to determine a more equitable method to determine distribution of the county tax burden. Vote 8-7.

Rep. Eric G. Stohl for the Minority of Municipal and County Government: This bill simply allows the delegates to the county convention within any county to determine the apportionment costs among its municipalities. What this means is that the county convention could, if it wished, adopt a formula for the apportioning of county taxes other than strictly equalized valuation. As it is today, the only way an individual's county tax is levied is solely on property values. This bill allows for the potential of using other factors such as population in determining the tax within a municipality. County government basically provides services to the citizens within its borders. The costs of these services are what create the county tax. The minority believes that because people, not property, are the users of these services, population should be allowed to be part of the formula for the apportionment of the county tax. This bill is totally enabling.

Majority committee report adopted.

HB 370, establishing a committee to study the Land Sales Full Disclosure Act and the Condominium Act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David L. Buhlman for the Majority of Municipal and County Government: The sponsor's intent in bringing this legislation forward is commendable, and it was done at the behest of the Attorney General's Office. After considering the testimony, the majority of the committee was concerned about the potential loss of consumer protection for home buyers associated with transferring some responsibility under the Land Sales Full Disclosure Act (RSA 356-A) and the Condo-

minium Act (RSA 356-B) from the Attorney General's Office, where there is permanent expertise in those matters, to the local level, where expertise in those intricate matters can vary depending on, for example, the makeup of the local planning board. Vote 13-4.

Rep. Nancy K. Johnson for the Minority of Municipal and County Government: This bill was requested by the Attorney General's Office. The Land Sales Full Disclosure Act is an important law in consumer protection. However, we heard testimony that the act was enacted in the late 1960s and this bill would create a study committee that could lead to lessen state oversight, increase local control and continue to protect consumers.

Majority committee report adopted.

HB 651-FN-L, relative to federal lien registration. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for the Majority of Municipal and County Government: Currently there are three situations that require the filing of federal liens upon personal property, tangible or intangible, with the Secretary of State. In all other cases, the federal liens are filed in the office of the clerk of the town or city in which the person owning the personal property resides. This bill does four things: 1) removes the requirement of filing the federal lien with the town or city clerk; 2) puts a \$30 filing fee in statute which is split equally between the Secretary of State and the clerks; 3) sets up a federal lien registration fund for the administration of RSA 454-B; and 4) sets up a retention schedule for the municipalities until June 30, 2017 when all remaining records relating to the financial statements may be destroyed. These changes will start removing the filing duties from the city and town clerks but will not remove the funding source for processing those liens, which is now available to the local community. The amendment specifies that the funds collected by the Secretary of State are to be used for the purposes specified in RSA 454-B. Also the method of communication is to be in accordance with RSA 382-A:9 Secured Transactions under the Uniform Commercial Code laws. The committee recognizes the need for streamlined filing and sharing of funds. Vote 12-5.

Rep. David L. Buhlman for the Minority of Municipal and County Government: The practice now is for the IRS to file liens on personal property with over 200 municipal clerks. Some of those liens are done electronically, while most are done using hard-copy documents. This bill changes the procedure dramatically by allowing the IRS to file liens on personal property, all with the Secretary of States Office, and all electronically. As is fairly widely known, the IRS makes errors that can have a significant negative impact on people's lives. Thus making this process more efficient, as this bill does, can result in even more errors. We should not help this very powerful government agency become more efficient.

Majority Amendment (0356h)

Amend RSA 454-B:5, II(b) as inserted by section 5 of the bill by replacing it with the following:

(b) \$15 of each fee collected under this section for any notice of lien or certificate or notice affecting the lien, to the secretary of state for the purposes specified in this chapter.

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-10 to read as 8-11, respectively:

7 New Section; Transition; Method of Communication. Amend RSA 454-B by inserting after section 8 the following new section:

454-B:9 Method of Communication. The filing officer shall accept liens described in this chapter in the method or medium authorized by the filing office in accordance with RSA 382-A:9-501-529, inclusive.

Majority amendment adopted.

Rep. Buhlman spoke against.

Rep. Patten spoke in favor.

On a division vote, 201 members having voted in the affirmative and 125 in the negative, the majority committee report was adopted.

Referred to the Committee on Ways and Means.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Balboni moved that the House reconsider its action whereby it voted **HB 302**, establishing a county mileage surcharge for service of documents by county sheriffs, Ought to Pass as Amended.

Reconsideration failed.

REGULAR CALENDAR (CONT'D.)**(Deputy Speaker Weyler in the Chair)**

HB 670-FN-A, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Harry S. Gale for the Majority of Municipal and County Government: The Land and Community Heritage Program (LCHIP) has broad support in the committee. The concept of dedicated funds does not enjoy the same support. The committee believes LCHIP has wide spread support among the majority of our house members and also our current governor. Our action is intended to send a strong message that we desire to have LCHIP in the budget as a line item from year to year in order to enhance its chances for ongoing support and funding. Vote 15-1.

Rep. David L. Buhlman for the Minority of Municipal and County Government: This bill, as amended, is a reasonable compromise to provide funding for LCHIP, and represents a distinct improvement over the reliance on dedicated funds, as contained in the original bill. However, although LCHIP is a popular state program, the minority feels that it is prudent to reconsider funding LCHIP, especially considering the current deficit in the state budget.

Majority Amendment (0314h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the land and community heritage investment program.

Amend the bill by replacing section 1 with the following:

1 Appropriation; Land And Community Heritage Investment Program. The sum of \$4,000,000 for the fiscal year ending June 30, 2006, and the sum of \$6,000,000 for the fiscal year ending June 30, 2007, are hereby appropriated to the trust fund for the New Hampshire land and community heritage investment program established in RSA 227-M:7. These appropriations are in addition to any other funds appropriated to the land and community heritage investment program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill appropriates \$4,000,000 for the fiscal year ending June 30, 2006 and \$6,000,000 for the fiscal year ending June 30, 2007 to the trust fund for the New Hampshire land and community heritage investment program. This bill also allows loans to be made to eligible applicants for financial assistance under the land and community heritage investment trust program.

On a division vote, 246 members having voted in the affirmative and 76 in the negative, the majority amendment was adopted.

Rep. Newton spoke against.

Rep. Gale spoke in favor.

Rep. Hager requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 232 NAYS 94**YEAS 232****BELKNAP**

Heald, Bruce	Millham, Alida	Morrison, Gail	Neddeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tobin, William			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan

Espiets, Peter
Plifka, Stanley Jr
Robertson, Timothy

Hogancamp, Deborah
Pratt, John
Sawyer, Sheldon

Mitchell, Bonnie
Richardson, Barbara
Tilton, Anna

Parkhurst, Henry
Roberts, Kris
Weed, Charles

COOS

Buzzell, Bernard
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Merrick, Scott
Theberge, Robert

Remick, William
Tholl, John Jr

GRAFTON

Almy, Susan
Bleyler, Ruth
McLeod, Martha
Ward, John

Andersen, Gene
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Williams, Burton

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Harding, A Laurie
Sokol, Hilda

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Allan, Nelson
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Chase, Claudia
Cote, David
Desmarais, Vivian
Emerton, Larry
Garrity, Patrick
Graham, John
Harvey, Suzanne
Jasper, Shawn
Kurk, Neal
Manney, Pamela
O'Connell, Timothy
Price, Pamela
Rosenwald, Cindy
Schulze, Joan
Sullivan, Peter

Batula, Peter
Brundige, Robert
Christensen, D L Chris
Cote, Peter
DeVries, Betsi
Essex, David
Goley, Jeffrey
Haley, Robert
Hinkle, Peyton
Jean, Claudette
L'Heureux, Robert
Messier, Irene
Ober, Lynne
Reeves, Sandra
Rowe, Robert
Shaw, Barbara
Velez, Hector

Beaulieu, Jane
Campbell, David
Clark, Mark
Craig, James
Dokmo, Cynthia
Foster, Linda
Gonzalez, Carlos
Hall, Betty
Infantine, William
Johnson, Paula
Lasky, Bette
Michon, Stephen
Pappas, Christopher
Renzullo, Andrew
Ryder, Donald
Smith, David
Wheeler, Robert

Bergin, Peter
Chabot, Robert
Clemons, Jane
Daniuk, Caitlin
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Hansen, Ryan
Irwin, Anne-Marie
Kopka, Angeline
Lefebvre, Roland
Movsesian, Lori
Pilotte, Maurice
Rochette, Eric
Scanlon, Michael
Sullivan, Francis

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Clarke, Claire
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Hamm, Christine
MacKay, James
Owen, Derek
Tilton, Joy
Williams, Robert

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Hess, David
Maxfield, Roy
Potter, Frances
Wallner, Mary Jane
Yeaton, Charles

Bouchard, Candace
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Kidder, David
McMahon, Patricia
Ryan, Jim
Walz, Mary Beth

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
Lockwood, Priscilla
Osborne, Jessie
Shurtleff, Stephen
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Coburn, James
Dowd, John
Flockhart, Eileen
Gillick, Thomas
Hopfgarten, Paul
Katsakiores, Phyllis
Mason, April
Priestley, Anne
Splaine, James

Asselin, Michael
Cali-Pitts, Jacqueline
Cooney, Richard
Dowling, Patricia
Francoeur, Sheila
Gould, Kenneth
Introne, Robert
Kobel, Rudolph
O'Neil, Michael
Robertson, Carl
Stiles, Nancy

Blanchard, MaryAnn
Casey, Kimberley
DiFruscia, Anthony
Dumaine, Dudley
Garrity, James
Griffin, Mary
Johnson, Robert
Langley, Jane
Pantelakos, Laura
Sanders, Elisabeth
Weare, E Albert

Bridle, Russell
Charron, Gene
Donahue, Richard Ken
Flanders, John Sr
Gilbert, Karl
Headd, James
Katsakiores, George
Lund, Howie
Parker, Benjamin
Serlin, Christopher
Welch, David

STRAFFORD

Berube, Roger
Cilley, Jacalyn

Bickford, David
Domingo, Baldwin

Brown, Jennifer
Goodwin, Earle

Chaplin, Duncan
Hilliard, Dana

Hofemann, Roland
Miller, Joseph
Taylor, Katherine

Johnson, Nancy
Rollo, Michael
Taylor, Kathleen

Kaen, Naida
Schmidt, Peter
Wall, Janet

Knowles, William
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

NAYS 94

BELKNAP

Allen, Janet
Tilton, Franklin

Boyce, Laurie
Wendelboe, Fran

Clark, Charles
Whalley, Michael

Fitzgerald, James

CARROLL

CHESHIRE

COOS

Chandler, Gene

Pelkey, Stephen

King, Frederick

GRAFTON

Alger, John
Maybeck, Margie

Gionet, Edmond
Sorg, Gregory

Giuda, Robert

Ham, Bonnie

HILLSBOROUGH

Adams, Jarvis IV
Biundo, Michael
Carew, James
Dyer, Donald
Goyette, Peter Jr
Hirschmann, Keith
Mead, Robert
Slocum, Lee
Ulery, Jordan

Baines, Stephen
Boehm, Ralph
Carter, Mark
Elliott, Nancy
Hagan, Barbara
Holden, Randolph
Mooney, Maureen
Souza, Kathleen
Vaillancourt, Steve

Balboni, Michael
Buhlman, David
Christiansen, Lars
Francoeur, Bea
Hawkins, Ken
Matarazzo, Anthony Sr
O'Brien, William
Stepanek, Stephen
Villeneuve, Maurice

Bergeron, Jean-Guy
Calawa, Leon Jr
Crane, Elenore Casey
Gibson, John
Hellwig, Steve
McRae, Karen
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Bettencourt, David
Camm, Kevin
Hughes, Daniel
Major, Norman
Packard, Sherman
Quandt, Matthew
Waterhouse, Kevin

Bicknell, Elbert
Carson, Sharon
Ingram, Russell
McKinney, Betsy
Palazzo, Frank
Rausch, James
Wiley, Robert

Bishop, Franklin
Dalrymple, Janeen
Itse, Daniel
Morris, Richard
Putnam, Ed II
Rolston, James
Winchell, George

Cady, Harriet
Dodge, Robert
Johnson, Rogers
Nowe, Ronald
Quandt, Marshall Lee
Smith, Paul
Zolla, William

STRAFFORD

Campbell, W Packy

Cataldo, Sam

Hollinger, Jeffrey

Newton, Clifford

SULLIVAN

Irish, Christopher

Rodeschin, Beverly

and the majority committee report was adopted.

Reps. Mirski and W. Douglas Scamman declared conflicts of interest and did not participate.
Referred to the Committee on Finance.

HB 78-FN-L, relative to state funding of regional vocational education centers. OUGHT TO PASS WITH AMENDMENT

Rep. Paul C. Smith for Public Works and Highways: This bill, as amended, clarifies the procedures for the funding of the renovation and expansion of our existing regional vocational education centers. The amendment clarifies existing law on exactly what criteria the Department of Education will use to determine if the project will be included in its capital budget request. Currently, the criteria for defining qualified projects exists in administrative rules and the committee felt that they should be incorporated into the statutes. The bill sets a range for the state's contribution for these projects between 50% and 75%. The current law says that the state will fund not less than 75% of the costs. The intent of the change is to ensure that all of the regional centers are afforded the opportunity to upgrade their facilities on a periodic basis. Finally, the effective date was set to occur after this year's capital budget is finalized, but before school systems begin their budget planning for the next year. Vote 15-3.

Amendment (0151h)

Amend the bill by replacing all after the enacting clause with the following:

1 Regional Vocational Education; Funding. Amend RSA 188-E:10, I to read as follows:

1. The department of education is responsible for maintaining a statewide system of regional vocational education centers to provide and allow for a variety of career and technical education programs funded within state budget appropriations. The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of education for the renovation and expansion of ***qualified*** regional vocational education centers or regional vocational education programs ***authorized in the capital budget***, provided that:

(a) The commissioner of the department of education shall ensure that all requests submitted are both educationally and financially appropriate ***within the state capital project authorization process***;

(b) The commissioner of the department of education submits on a biennial basis in a capital budget request a priority list of facilities and programs eligible for renovation and expansion, provided that priority shall be given to programs that have been certified by an approved standard or that need additional funds to become certified by an approved standard;

(c) Each request for funding follows the capital budget procedure pursuant to RSA 9:3-a, ***provided that no qualified project funded in a state capital budget as required in this section shall have additional funds for the same project included in a subsequent proposal for capital appropriation under RSA 9:3-a unless directed by the priority list of the department of education***;

(d) Each school district requesting funds from the department of education establishes and funds a renovation and expansion reserve fund, which shall be used by the school district to pay renovation and expansion costs not funded by the state, and which may include funding for the replacement of equipment; and

(e) The state shall fund not less than ***50 percent nor more than 75 percent*** of the cost of a ***qualified*** project approved pursuant to this section.

(f) In this section, "qualified" means the project:

(1) Demonstrates need connected to the labor market.

(2) Accepts students from sending schools.

(3) Demonstrates adequate numbers of students through enrollment figures based on 3-year averages.

(4) Demonstrates alignment with program competencies and academic competencies required by the department of education.

(5) Allows for matriculation into a postsecondary venue.

(6) Meets all industry and building standards.

(7) Meets the procedural requirements for requests under this section and any other requirements in rules of the department of education.

(8) Is a regional vocational education center within the state of New Hampshire.

2 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill clarifies the capital appropriation requirements for funding regional vocational education projects, provides that the state shall fund a maximum of 75 percent of the cost of renovation or expansion of a regional vocational education center, and adds a definition of a qualified project. Adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Benn moved that the House reconsider its action whereby it adopted the committee amendment to **HB 78-FN-L**, relative to state funding of regional vocational education centers.

Reconsideration failed.

Rep. Benn offered floor amendment (0530h).

Floor Amendment (0530h)

Amend the bill by replacing all after the enacting clause with the following:

1 Regional Vocational Education; Funding. Amend RSA 188-E:10, I to read as follows:

1. *The department of education is responsible for maintaining a statewide system of regional vocational education centers to provide and allow for a variety of career and technical education programs funded within state budget appropriations.* The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of education for the renovation and expansion of *qualified* regional vocational education centers or regional vocational education programs *authorized in the capital budget*, provided that:

(a) The commissioner of the department of education shall ensure that all requests submitted are both educationally and financially appropriate *within the state capital project authorization process*;

(b) The commissioner of the department of education submits on a biennial basis in a capital budget request a priority list of facilities and programs eligible for renovation and expansion, provided that priority shall be given to programs that have been certified by an approved standard or that need additional funds to become certified by an approved standard;

(c) Each request for funding follows the capital budget procedure pursuant to RSA 9:3-a, *provided that no qualified project funded in a state capital budget as required in this section shall have additional funds for the same project included in a subsequent proposal for capital appropriation under RSA 9:3-a unless directed by the priority list of the department of education*;

(d) Each school district requesting funds from the department of education establishes and funds a renovation and expansion reserve fund, which shall be used by the school district to pay renovation and expansion costs not funded by the state, and which may include funding for the replacement of equipment; and

(e) The state shall fund ~~not less than~~ 75 percent of the cost of a *qualified* project approved pursuant to this section.

(f) *In this section, "qualified" means the project:*

(1) *Demonstrates need connected to the labor market.*

(2) *Accepts students from sending schools.*

(3) *Demonstrates adequate numbers of students through enrollment figures based on 3-year averages.*

(4) *Demonstrates alignment with program competencies and academic competencies required by the department of education.*

(5) *Allows for matriculation into a postsecondary venue.*

(6) *Meets all industry and building standards.*

(7) *Meets the procedural requirements for requests under this section and any other requirements in rules of the department of education.*

(8) *Is a regional vocational education center within the state of New Hampshire.*

2 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill clarifies the capital appropriation requirements for funding regional vocational education projects, provides that the state shall fund 75 percent of the cost of renovation or expansion of a regional vocational education center, and adds a definition of a qualified project.

Rep. Benn spoke in favor and yielded to questions.

Reps. Graham and Bouchard spoke against.

On a division vote, 98 members having voted in the affirmative and 189 in the negative, floor amendment (0530h) failed.

Committee report adopted.

Referred to the Committee on Finance.

INTRODUCTION OF GUESTS

Colonel Yuri Vasilievich Sushkov, Deputy Chief, Department of Civil Defense Forces and Troops, and delegates of the Russian Ministry of Emergencies and Ministry of Finance, and former Ambassador George Bruno, all representing Partners for Peace – NH 2005, were introduced as guests of the House.

REGULAR CALENDAR (CONT'D.)**(Speaker Scamman in the Chair)**

HB 57, relative to the burning of construction and demolition debris. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY; OUGHT TO PASS.**

Rep. Roy D. Maxfield for the Majority of Science, Technology and Energy: This bill is one of several dealing with construction and demolition debris currently under review in the house and senate. It would prohibit incineration of C&D material including wood products that have been sorted and washed at recycling centers. If passed, this would then require landfill disposal of this material. The committee is working on another bill that would qualify acceptable wood products for incineration and apply best available control technology during incineration. This process will reduce environmental impact well below current standards. The existing policy in New Hampshire is to close our landfills except for ash residue left over from incineration. Forty-two (42) per cent of construction debris is wood and fourteen (14) per cent of demolition debris is wood. Relegating this amount of debris to landfills would have a serious impact on existing landfill sites. The Department of Environmental Services recommends land fill as last resort (sixth of six in waste management hierarchy) and they support HB 315 as the best solution for dealing with this material. Mixing this material with virgin wood and using the combination to fuel our wood to energy facilities makes economic and environmental sense. This policy is consistent with neighboring states and the committee voted 11 to 4 in support of the current state waste management hierarchy. Vote 11-4.

Rep. Jim Ryan for the Minority of Science, Technology and Energy: This bill operates as a complete ban on the incineration of construction and demolition (C&D) material. While simple in tone and judicious in the use of words: it would effectively preclude the incineration of C&D materials by banning incineration outright. Testimony received at the hearing indicated other states had followed this approach, particularly states seeking to avoid the difficulty of having out-of-state materials trucked in and imperiling the local air quality. The bill was received with satisfaction by the overwhelming number of citizens who attended hearings on the matter and urged the committee to enact the legislation that would prevent the emission of harmful materials into the environment and into their homes. HB 57 is a legitimate exercise of legislative discretion and should not be disposed of, if at all, until the legislature answers with a public policy position on C&D, an issue of vital interest to numerous citizens of the state. The minority urge that the majority recommendation of ITL be denied and that HB 57 be voted ought to pass.

Rep. Owen spoke against and yielded to questions

Rep. Alger spoke in favor and yielded to questions.

Rep. Kaen moved recommit to committee and spoke in favor.

Reps. Pitts and Alger spoke against.

Rep. Owen requested a roll call; sufficiently seconded.

The question being adoption of the motion to recommit.

YEAS 125 NAYS 203

**YEAS 125
BELKNAP**

Morrison, Gail

CARROLL

Babson, David Jr

Buco, Thomas

Dickinson, Howard

Martin, James

CHESHIRE

Allen, Peter

Butcher, Suzanne

Butynski, William

Chase, William

Dunn, J Timothy

Eaton, Daniel

Espiefs, Peter

Mitchell, Bonnie

Parkhurst, Henry

Plifka, Stanley Jr

Pratt, John

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Tilton, Anna

Weed, Charles

COOS

Buzzell, Bernard

Mears, Edgar

Remick, William

Theberge, Robert

GRAFTON

Almy, Susan
Ham, Bonnie
Nordgren, Sharon

Andersen, Gene
Hammond, Lee
Sokol, Hilda

Benn, Bernard
Harding, A Laurie

Bleyler, Ruth
McLeod, Martha

HILLSBOROUGH

Beaulieu, Jane
Clemons, Jane
Crane, Elenore Casey
Goley, Jeffrey
Hall, Betty
Jean, Claudette
Lefebvre, Roland
Pappas, Christopher
Schulze, Joan
Sullivan, Peter

Brassard, Paul
Cote, David
Daniuk, Caitlin
Gorman, Mary
Harvey, Suzanne
Johnson, Paula
Matarazzo, Anthony Sr
Pilotte, Maurice
Shaw, Barbara

Calawa, Leon Jr
Cote, Peter
DeVries, Betsi
Hagan, Barbara
Holden, Randolph
Kopka, Angeline
Michon, Stephen
Rochette, Eric
Smith, David

Chase, Claudia
Craig, James
Garriy, Patrick
Haley, Robert
Irwin, Anne-Marie
Lasky, Bette
Movsesian, Lori
Rosenwald, Cindy
Sullivan, Francis

MERRIMACK

Bouchard, Candace
DeJoie, John
Gile, Mary
Osborne, Jessie
Shurtleff, Stephen
Yeaton, Charles

Brueggemann, Donald
DeStefano, Stephen
Hamm, Christine
Owen, Derek
Tilton, Joy

Clarke, Claire
Foose, Robert
Kennedy, Richard
Potter, Frances
Wallner, Mary Jane

Currier, David
French, Barbara
McMahon, Patricia
Ryan, Jim
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Flockhart, Eileen
Serlin, Christopher

Blanchard, MaryAnn
Ingram, Russell
Splaine, James

Bridle, Russell
Palazzo, Frank

Casey, Kimberley
Pantelakos, Laura

STRAFFORD

Brown, Jennifer
Hofemann, Roland
Rollo, Michael
Taylor, Kathleen

Cilley, Jacalyn
Johnson, Nancy
Schmidt, Peter
Wall, Janet

Goodwin, Earle
Kaen, Naida
Spang, Judith

Hilliard, Dana
Miller, Joseph
Taylor, Katherine

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinzy, James

NAYS 203**BELKNAP**

Allen, Janet
Heald, Bruce
Rosen, Ralph
Tobin, William

Boyce, Laurie
Millham, Alida
Russell, David
Wendelboe, Fran

Clark, Charles
Nedeau, Stephen
Thomas, John
Whalley, Michael

Fitzgerald, James
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark

Brown, Carolyn
Olimpio, J Lisbeth

Chandler, Gene
Patten, Betsey

Knox, J David
Philbrick, Donald

CHESHIRE

Dexter, Judson
Pelkey, Stephen

Emerson, Susan
Sawyer, Sheldon

Hogancamp, Deborah

Hunt, John

COOS

King, Frederick
Tholl, John Jr

Merrick, Scott

Richardson, Herbert

Stohl, Eric

GRAFTON

Alger, John	Barker, Robert	Cooney, Mary	Gionet, Edmond
Giuda, Robert	Ingbreton, Paul	Maybeck, Margie	Mirski, Paul
Mulholland, Catherine	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Campbell, David
Carew, James	Carter, Mark	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Essex, David
Foster, Linda	Francoeur, Bea	Gargasz, Carolyn	Gibson, John
Gonzalez, Carlos	Goyette, Peter Jr	Graham, John	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Manney, Pamela	McRae, Karen	Mead, Robert	Messier, Irene
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Velez, Hector	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Field, William	Greco, Vincent
Hager, Elizabeth	Hess, David	Kidder, David	Klose, John
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	Oliver, James	Soltani, Tony	Tupper, Frank
Whiting, Herbert	Williams, Robert		

ROCKINGHAM

Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Flanders, John Sr
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Parker, Benjamin	Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Smith, Paul	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

STRAFFORD

Berube, Roger	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Domingo, Baldwin	Hollinger, Jeffrey	Knowles, William
Newton, Clifford			

SULLIVAN

Gale, Harry	Irish, Christopher	Prichard, Stephen	Rodeschin, Beverly
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and the motion to recommit failed.
Rep. Owen requested a roll call; sufficiently seconded.
The question being adoption of the majority committee report.

YEAS 214 NAYS 114**YEAS 214****BELKNAP**

Allen, Janet
Heald, Bruce
Rosen, Ralph
Tobin, William

Boyce, Laurie
Millham, Alida
Russell, David
Wendelboe, Fran

Clark, Charles
Nedeau, Stephen
Thomas, John
Whalley, Michael

Fitzgerald, James
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark

Brown, Carolyn
Patten, Betsey

Chandler, Gene
Philbrick, Donald

Dickinson, Howard

CHESHIRE

Dexter, Judson
Pelkey, Stephen

Emerson, Susan
Plifka, Stanley Jr

Hogancamp, Deborah
Roberts, Kris

Hunt, John
Sawyer, Sheldon

COOS

Buzzell, Bernard
Stohl, Eric

King, Frederick
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Alger, John
Cooney, Mary
Maybeck, Margie
Williams, Burton

Barker, Robert
Gionet, Edmond
Mirski, Paul

Benn, Bernard
Giuda, Robert
Sorg, Gregory

Bleyler, Ruth
Ingbreton, Paul
Ward, John

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Carew, James
Christiansen, Lars
Drisko, Richard
Essex, David
Gibson, John
Hansen, Ryan
Hirschmann, Keith
L'Heureux, Robert
Messier, Irene
O'Connell, Timothy
Renzullo, Andrew
Shaw, Barbara
Tahir, Saghir
Villeneuve, Maurice

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Clark, Mark
Dyer, Donald
Foster, Linda
Gonzalez, Carlos
Hawkins, Ken
Infantine, William
Manney, Pamela
Michon, Stephen
Ober, Lynne
Rowe, Robert
Slocum, Lee
Ulery, Jordan
Wheeler, James

Baines, Stephen
Bergin, Peter
Buhlman, David
Chabot, Robert
Crane, Elenore Casey
Elliott, Nancy
Francoeur, Bea
Goyette, Peter Jr
Hellwig, Steve
Jasper, Shawn
McRae, Karen
Mooney, Maureen
Price, Pamela
Ryder, Donald
Souza, Kathleen
Vaillancourt, Steve
Wheeler, Robert

Balboni, Michael
Biundo, Michael
Campbell, David
Christensen, D L Chris
Dokmo, Cynthia
Emerton, Larry
Gargas, Carolyn
Graham, John
Hinkle, Peyton
Kurk, Neal
Mead, Robert
O'Brien, William
Reeves, Sandra
Scanlon, Michael
Stepanek, Stephen
Velez, Hector

MERRIMACK

Anderson, Eric
Kidder, David
MacKay, James
Potter, Frances

Clarke, Claire
Klose, John
Marple, Richard
Soltani, Tony

Hager, Elizabeth
Langlais, Thomas
Maxfield, Roy
Whiting, Herbert

Hess, David
Lockwood, Priscilla
Oliver, James
Williams, Robert

ROCKINGHAM

Asselin, Michael
Bridle, Russell
Camm, Kevin
Cooney, Richard

Bettencourt, David
Buxton, Donald
Carson, Sharon
Dalrymple, Janeen

Bicknell, Elbert
Cady, Harriet
Charron, Gene
DiFruscia, Anthony

Bishop, Franklin
Cali-Pitts, Jacqueline
Coburn, James
Dodge, Robert

Donahue, Richard Ken
 Flanders, John Sr
 Griffin, Mary
 Introne, Robert
 Katsakiores, George
 Lund, Howie
 Nowe, Ronald
 Parker, Benjamin
 Quandt, Matthew
 Sanders, Elisabeth
 Weare, E Albert
 Winchell, George

Dowd, John
 Francoeur, Sheila
 Headd, James
 Itse, Daniel
 Katsakiores, Phyllis
 Major, Norman
 O'Neil, Michael
 Priestley, Anne
 Rausch, James
 Smith, Paul
 Welch, David
 Zolla, William

Dowling, Patricia
 Gilbert, Karl
 Hopfgarten, Paul
 Johnson, Robert
 Kobel, Rudolph
 Mason, April
 Packard, Sherman
 Putnam, Ed II
 Robertson, Carl
 Stiles, Nancy
 Weyler, Kenneth

Dumaine, Dudley
 Gillick, Thomas
 Ingram, Russell
 Johnson, Rogers
 Langley, Jane
 McKinney, Betsy
 Palazzo, Frank
 Quandt, Marshall Lee
 Rolston, James
 Waterhouse, Kevin
 Wiley, Robert

STRAFFORD

Berube, Roger
 Chaplin, Duncan
 Johnson, Nancy
 Spang, Judith

Bickford, David
 Domingo, Baldwin
 Knowles, William
 Taylor, Katherine

Campbell, W Packy
 Goodwin, Earle
 Miller, Joseph
 Taylor, Kathleen

Cataldo, Sam
 Hollinger, Jeffrey
 Newton, Clifford

SULLIVAN

Franklin, Peter
 Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Prichard, Stephen

NAYS 114

BELKNAP

Morrison, Gail

Babson, David Jr
 Olimpio, J Lisbeth

Buco, Thomas

Knox, J David

Martin, James

CHESHIRE

Allen, Peter
 Dunn, J Timothy
 Parkhurst, Henry
 Tilton, Anna

Butcher, Suzanne
 Eaton, Daniel
 Pratt, John
 Weed, Charles

Butynski, William
 Espiefs, Peter
 Richardson, Barbara

Chase, William
 Mitchell, Bonnie
 Robertson, Timothy

COOS

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
 Harding, A Laurie
 Sokol, Hilda

Andersen, Gene
 McLeod, Martha

Ham, Bonnie
 Mulholland, Catherine

Hammond, Lee
 Nordgren, Sharon

HILLSBOROUGH

Beaulieu, Jane
 Clemons, Jane
 Daniuk, Caitlin
 Gorman, Mary
 Harvey, Suzanne
 Johnson, Paula
 Matarazzo, Anthony Sr
 Rochette, Eric
 Sullivan, Francis

Brassard, Paul
 Cote, David
 DeVries, Betsi
 Hagan, Barbara
 Holden, Randolph
 Kopka, Angeline
 Movsesian, Lori
 Rosenwald, Cindy
 Sullivan, Peter

Calawa, Leon Jr
 Cote, Peter
 Garrity, Patrick
 Haley, Robert
 Irwin, Anne-Marie
 Lasky, Bette
 Pappas, Christopher
 Schulze, Joan

Chase, Claudia
 Craig, James
 Goley, Jeffrey
 Hall, Betty
 Jean, Claudette
 Lefebvre, Roland
 Pilotte, Maurice
 Smith, David

MERRIMACK

Blanchard, Elizabeth
 DeJoie, John

Bouchard, Candace
 DeStefano, Stephen

Brueggemann, Donald
 Field, William

Currier, David
 Foose, Robert

French, Barbara
Kennedy, Richard
Ryan, Jim
Wallner, Mary Jane

Gile, Mary
McMahon, Patricia
Shurtleff, Stephen
Walz, Mary Beth

Greco, Vincent
Osborne, Jessie
Tilton, Joy
Yeaton, Charles

Hamm, Christine
Owen, Derek
Tupper, Frank

ROCKINGHAM

Abbott, Dennis
Garrity, James
Serlin, Christopher

Blanchard, MaryAnn
Gould, Kenneth
Splaine, James

Casey, Kimberley
Hughes, Daniel

Flockhart, Eileen
Pantelakos, Laura

STRAFFORD

Brown, Jennifer
Kaen, Naida

Cilley, Jacalyn
Rollo, Michael

Hilliard, Dana
Schmidt, Peter

Hofemann, Roland
Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Phinizy, James

Ferland, Brenda

and the majority committee report was adopted.

Rep. Plifka voted Yea and intended to vote Nay.

(Deputy Speaker Weyler in the Chair)

HB 190, relative to the installation of continuous emission monitoring systems on stationary air pollution sources and devices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Roy D. Maxfield for the Majority of Science, Technology and Energy: This bill proposes adding Continuous Monitoring Devices (CEMs) on stationary air pollution sources and installing new source monitors as they become available. The committee heard extensive testimony from the Department of Environmental Services (DES). They currently have authority to require CEMs on any source they deem necessary. DES estimates that there are 450 state air permits and that 300 of these would be required to install four (4) CEMs each to comply with this legislation. Currently there are 120 CEMs operating in the state at 20 sites. This bill would mandate CEMs well beyond anything determined necessary by the Department of Environmental services. The costs associated with this mandate would be a significant burden on businesses, especially small and mid-sized businesses in the state. There would also be significant impact on state owned sources requiring expenditures in excess of ten million dollars. The majority concluded that the Department of Environmental Services has the authority now to require monitors and that this bill is not necessary. Vote 10-3.

Rep. Jim Ryan for the Minority of Science, Technology and Energy: A majority of the committee seems to think that at the conclusion of the session another bill will provide the legislative response to the difficult environmental and public health dilemma posed by the incineration of construction and demolition debris (C&D). While the opinion of the majority regarding those bills may come to pass, there is no urgent need to discard the other approaches to establishing public policy on C&D, including this bill which provides that continuing emission monitoring devices (CEM) be required of all permitted emitters. The law includes a 24-month compliance period as new CEM technology is introduced. The plain purpose, as duly noted at the public hearing, was to create a statutory system that required the inclusion of CEM as it became available to permitted emitters or in the permit renewal process. The supposition was that as technology advanced so too would the ability to monitor pollutants. Overwhelming support for the bill was noted at the public hearing. One official of the DES noted that passage of HB 190 would place New Hampshire in the forefront of protecting citizens from the harms of C&D emissions. Accordingly, the minority urges that the House decline the majority report of ITL, and recommend that HB 190 ought to pass and in so doing place New Hampshire in the forefront of protecting the air of all our citizens.

Rep. Ryan spoke against and yielded to questions.

Rep. Maxfield spoke in favor.

Rep. Ryan requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 198 NAYS 125**YEAS 198
BELKNAP**

Allen, Janet
Millham, Alida
Thomas, John
Whalley, Michael

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Rosen, Ralph
Tobin, William

Heald, Bruce
Russell, David
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
McConkey, Mark

Brown, Carolyn
Olimpio, J Lisbeth

Chandler, Gene
Patten, Betsey

Martin, James
Philbrick, Donald

CHESHIRE

Dexter, Judson
Pelkey, Stephen

Emerson, Susan
Sawyer, Sheldon

Hogancamp, Deborah

Hunt, John

COOS

King, Frederick
Tholl, John Jr

Mears, Edgar

Richardson, Herbert

Stohl, Eric

GRAFTON

Alger, John
Ham, Bonnie
Sorg, Gregory

Barker, Robert
Ingbretson, Paul
Ward, John

Gionet, Edmond
Maybeck, Margie
Williams, Burton

Giuda, Robert
Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Calawa, Leon Jr
Christensen, D L Chris
Dokmo, Cynthia
Emerton, Larry
Gibson, John
Hagan, Barbara
Hinkle, Peyton
L'Heureux, Robert
Michon, Stephen
Price, Pamela
Ryder, Donald
Souza, Kathleen
Vaillancourt, Steve

Allan, Nelson
Bergeron, Jean-Guy
Brassard, Paul
Carew, James
Christiansen, Lars
Drisko, Richard
Foster, Linda
Gonzalez, Carlos
Hansen, Ryan
Hirschmann, Keith
Manney, Pamela
Mooney, Maureen
Reeves, Sandra
Scanlon, Michael
Stepanek, Stephen
Velez, Hector

Baines, Stephen
Bergin, Peter
Brundige, Robert
Carter, Mark
Clark, Mark
Dyer, Donald
Francoeur, Bea
Goyette, Peter Jr
Hawkins, Ken
Holden, Randolph
McRae, Karen
O'Brien, William
Renzullo, Andrew
Shaw, Barbara
Tahir, Saghir
Villeneuve, Maurice

Balboni, Michael
Biundo, Michael
Buhlman, David
Chabot, Robert
Crane, Elenore Casey
Elliott, Nancy
Gargasz, Carolyn
Graham, John
Hellwig, Steve
Jasper, Shawn
Mead, Robert
O'Connell, Timothy
Rowe, Robert
Slocum, Lee
Ulery, Jordan
Wheeler, James

MERRIMACK

Anderson, Eric
Kidder, David
MacKay, James
Potter, Frances

Field, William
Klose, John
Marple, Richard
Soltani, Tony

Hager, Elizabeth
Langlais, Thomas
Maxfield, Roy
Whiting, Herbert

Hess, David
Lockwood, Priscilla
Oliver, James
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Camm, Kevin
Dalrymple, Janeen
Dowd, John
Francoeur, Sheila

Asselin, Michael
Bridle, Russell
Carson, Sharon
DiFruscia, Anthony
Dowling, Patricia
Gilbert, Karl

Bettencourt, David
Buxton, Donald
Charron, Gene
Dodge, Robert
Dumaine, Dudley
Gillick, Thomas

Bicknell, Elbert
Cady, Harriet
Cooney, Richard
Donahue, Richard Ken
Flanders, John Sr
Gould, Kenneth

Griffin, Mary
Ingram, Russell
Johnson, Rogers
Langley, Jane
McKinney, Betsy
Packard, Sherman
Putnam, Ed II
Robertson, Carl
Smith, Paul
Welch, David

Headd, James
Introne, Robert
Katsakiores, George
Lund, Howie
Morris, Richard
Palazzo, Frank
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Wiley, Robert

Hopfgarten, Paul
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
Nowe, Ronald
Parker, Benjamin
Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin
Winchell, George

Hughes, Daniel
Johnson, Robert
Kobel, Rudolph
Mason, April
O'Neil, Michael
Priestley, Anne
Rausch, James
Scamman, W Douglas
Weare, E Albert
Zolla, William

STRAFFORD

Berube, Roger
Chaplin, Duncan

Bickford, David
Hollinger, Jeffrey

Campbell, W Packy
Knowles, William

Cataldo, Sam
Newton, Clifford

SULLIVAN

Gale, Harry

Irish, Christopher

Rodeschin, Beverly

NAYS 125

BELKNAP

Morrison, Gail

Pilliod, James

CARROLL

Babson, David Jr

Buco, Thomas

Knox, J David

CHESHIRE

Allen, Peter
Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris

Butcher, Suzanne
Eaton, Daniel
Plifka, Stanley Jr
Robertson, Timothy

Butynski, William
Espieles, Peter
Pratt, John
Tilton, Anna

Chase, William
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

COOS

Buzzell, Bernard

Merrick, Scott

Remick, William

Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Mulholland, Catherine

Andersen, Gene
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

Bleyler, Ruth
McLeod, Martha

HILLSBOROUGH

Beaulieu, Jane
Cote, David
DeVries, Betsi
Gorman, Mary
Infantine, William
Kopka, Angeline
Matarazzo, Anthony Sr
Pappas, Christopher
Smith, David

Campbell, David
Cote, Peter
Essex, David
Haley, Robert
Irwin, Anne-Marie
Kurk, Neal
Messier, Irene
Pilotte, Maurice
Sullivan, Francis

Chase, Claudia
Craig, James
Garrity, Patrick
Hall, Betty
Jean, Claudette
Lasky, Bette
Movsesian, Lori
Rosenwald, Cindy
Sullivan, Peter

Clemons, Jane
Daniuk, Caitlin
Goley, Jeffrey
Harvey, Suzanne
Johnson, Paula
Lefebvre, Roland
Ober, Lynne
Schulze, Joan
Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth
Currier, David
French, Barbara
Kennedy, Richard
Ryan, Jim
Wallner, Mary Jane

Bouchard, Candace
DeJoie, John
Gile, Mary
McMahon, Patricia
Shurtluff, Stephen
Walz, Mary Beth

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
Osborne, Jessie
Tilton, Joy
Yeaton, Charles

Clarke, Claire
Foose, Robert
Hamm, Christine
Owen, Derek
Tupper, Frank

ROCKINGHAM

Blanchard, MaryAnn
Flockhart, Eileen
Splaine, James

Cali-Pitts, Jacqueline
Garrity, James

Casey, Kimberley
Pantelakos, Laura

Coburn, James
Serlin, Christopher

STRAFFORD

Brown, Jennifer
Kaen, Naida
Spang, Judith

Goodwin, Earle
Miller, Joseph
Taylor, Katherine

Hilliard, Dana
Rollo, Michael
Taylor, Kathleen

Hofemann, Roland
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Pritchard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

and the majority committee report was adopted.

(Speaker Scamman in the Chair)

HB 438, relative to emissions requirements for municipal waste combustion units.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Roy D. Maxfield for the Majority of Science, Technology and Energy: This bill is a duplicate of HB 414 recommended ought to pass with amendment on the consent calendar. Both bills require improved environmental standards for small incinerator comparable with the large Penacook facility, with two exceptions. The first exception deals with the sulfur testing cycle. HB 414 requires a monthly cycle and HB 438 a 24-hour cycle measurement. The sponsor of this bill agrees with the monthly measurement in HB 414. The other requirement in this bill would reduce the permitted emission level if the facility produced results below the permitted level then the lower more stringent result would become the permitted standard. The majority of the committee feels that the facility would be encouraged to run the plant at the higher permitted level to avoid added retrofits associated with lower emission levels. Member cities and towns of the facility would end up paying half of the costs for additional controls. The committee considered an incentive for a facility operating below permitted levels instead of the sanctions recommended by the sponsor but could not reach a consensus. Vote 9-6.

Rep. Jim Ryan for the Minority of Science, Technology and Energy: This bill and HB 414 are nearly identical, with the exception of Section IX of HB 438 that provides: "If, at the next scheduled test for any permitted emission at a small municipal waste combustor, the facility achieves a result lower than the existing permitted standard for that particular emission, the lower, more stringent result shall become the permitted standard. This paragraph shall apply to all small municipal waste combustors." The majority fears that inclusion of this section will encourage emitters to produce more pollution and have no incentive to reduce emissions. The minority believes that regulated emitters consistent with requirements of law and the notion of good corporate citizenship would actually seek to reduce emissions over the course of time. The quoted section envisions a progressively improving standard that would allow for regular decreases in emissions. Accordingly, the minority recommends that HB 438 ought to pass.

Rep. Donovan spoke against and yielded to questions.

Rep. Phinizy spoke against.

Reps. Maxfield and Alger spoke in favor.

Rep. Phinizy requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 188 NAYS 131

YEAS 188**BELKNAP**

Allen, Janet
Millham, Alida
Thomas, John
Whalley, Michael

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Rosen, Ralph
Tobin, William

Heald, Bruce
Russell, David
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
McConkey, Mark

Brown, Carolyn
Patten, Betsey

Chandler, Gene
Philbrick, Donald

Martin, James

CHESHIRE

Chase, William
Hunt, John

Dexter, Judson
Pelkey, Stephen

Emerson, Susan
Roberts, Kris

Hogancamp, Deborah
Sawyer, Sheldon

COOS

King, Frederick
Tholl, John Jr

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Alger, John
Gionet, Edmond
Mirski, Paul

Almy, Susan
Giuda, Robert
Sorg, Gregory

Barker, Robert
Ham, Bonnie
Ward, John

Bleyler, Ruth
Maybeck, Margie
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Clark, Mark
Dyer, Donald
Gargas, Carolyn
Graham, John
Hinkle, Peyton
Jasper, Shawn
Mead, Robert
Ober, Lynne
Rowe, Robert
Stepanek, Stephen
Villeneuve, Maurice

Allan, Nelson
Bergin, Peter
Buhlman, David
Chabot, Robert
Crane, Elenore Casey
Elliott, Nancy
Gibson, John
Hansen, Ryan
Hirschmann, Keith
L'Heureux, Robert
Mooney, Maureen
Price, Pamela
Ryder, Donald
Ulery, Jordan
Wheeler, James

Baines, Stephen
Biundo, Michael
Calawa, Leon Jr
Christensen, D L Chris
Dokmo, Cynthia
Emerton, Larry
Gonzalez, Carlos
Hawkins, Ken
Holden, Randolph
Manney, Pamela
O'Brien, William
Reeves, Sandra
Slocum, Lee
Vaillancourt, Steve
Wheeler, Robert

Balboni, Michael
Boehm, Ralph
Carew, James
Christiansen, Lars
Drisko, Richard
Francoeur, Bea
Goyette, Peter Jr
Hellwig, Steve
Infantine, William
McRae, Karen
O'Connell, Timothy
Renzullo, Andrew
Souza, Kathleen
Velez, Hector

MERRIMACK

Anderson, Eric
Hess, David
Lockwood, Priscilla
Oliver, James

Clarke, Claire
Kidder, David
MacKay, James
Potter, Frances

Field, William
Klose, John
Marple, Richard
Soltani, Tony

Hager, Elizabeth
Langlais, Thomas
Maxfield, Roy

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Camm, Kevin
Cooney, Richard
Dowd, John
Francoeur, Sheila
Headd, James
Itse, Daniel
Katsakiores, Phyllis
McKinney, Betsy
Palazzo, Frank
Robertson, Carl
Stiles, Nancy
Weyler, Kenneth

Asselin, Michael
Bridle, Russell
Carson, Sharon
Dalrymple, Janeen
Dowling, Patricia
Gilbert, Karl
Hopfgarten, Paul
Johnson, Robert
Kobel, Rudolph
Nowe, Ronald
Priestley, Anne
Rolston, James
Waterhouse, Kevin
Wiley, Robert

Bettencourt, David
Buxton, Donald
Charron, Gene
Dodge, Robert
Dumaine, Dudley
Gillick, Thomas
Ingram, Russell
Johnson, Rogers
Lund, Howie
O'Neil, Michael
Putnam, Ed II
Sanders, Elisabeth
Weare, E Albert
Zolla, William

Bicknell, Elbert
Cady, Harriet
Coburn, James
Donahue, Richard Ken
Flanders, John Sr
Griffin, Mary
Introne, Robert
Katsakiores, George
Major, Norman
Packard, Sherman
Rausch, James
Smith, Paul
Welch, David

STRAFFORD

Berube, Roger
Chaplin, Duncan
Miller, Joseph

Bickford, David
Domingo, Baldwin
Newton, Clifford

Campbell, W Packy
Kaen, Naida
Wall, Janet

Cataldo, Sam
Knowles, William

SULLIVAN

Gale, Harry

Irish, Christopher

Rodeschin, Beverly

NAYS 131 BELKNAP

Morrison, Gail Pilliod, James

CARROLL

Babson, David Jr Buco, Thomas Dickinson, Howard Knox, J David
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter Butcher, Suzanne Butynski, William Dunn, J Timothy
Eaton, Daniel Espiefs, Peter Mitchell, Bonnie Parkhurst, Henry
Plifka, Stanley Jr Pratt, John Richardson, Barbara Robertson, Timothy
Tilton, Anna Weed, Charles

COOS

Buzzell, Bernard Mears, Edgar Merrick, Scott Theberge, Robert

GRAFTON

Andersen, Gene Benn, Bernard Cooney, Mary Hammond, Lee
Harding, A Laurie McLeod, Martha Mulholland, Catherine Nordgren, Sharon
Sokol, Hilda

HILLSBOROUGH

Batula, Peter Beaulieu, Jane Brassard, Paul Campbell, David
Chase, Claudia Clemons, Jane Cote, David Cote, Peter
Craig, James Daniuk, Caitlin DeVries, Betsi Essex, David
Foster, Linda Garrity, Patrick Goley, Jeffrey Gorman, Mary
Hagan, Barbara Haley, Robert Hall, Betty Harvey, Suzanne
Irwin, Anne-Marie Jean, Claudette Johnson, Paula Kopka, Angeline
Kurk, Neal Lasky, Bette Lefebvre, Roland Matarazzo, Anthony Sr
Messier, Irene Michon, Stephen Movsesian, Lori Pappas, Christopher
Pilotte, Maurice Rochette, Eric Rosenwald, Cindy Schulze, Joan
Shaw, Barbara Smith, David Sullivan, Francis Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth Bouchard, Candace Brueggemann, Donald Currier, David
DeJoie, John DeStefano, Stephen Foose, Robert French, Barbara
Gile, Mary Greco, Vincent Hamm, Christine Kennedy, Richard
McMahon, Patricia Osborne, Jessie Ryan, Jim Shurtleff, Stephen
Tilton, Joy Tupper, Frank Wallner, Mary Jane Walz, Mary Beth
Whiting, Herbert Williams, Robert Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn Cali-Pitts, Jacqueline Casey, Kimberley DiFruscia, Anthony
Flockhart, Eileen Garrity, James Gould, Kenneth Hughes, Daniel
Langley, Jane Mason, April Pantelakos, Laura Quandt, Marshall Lee
Quandt, Matthew Serlin, Christopher Splaine, James Winchell, George

STRAFFORD

Brown, Jennifer Cilley, Jacalyn Hilliard, Dana Hofemann, Roland
Rollo, Michael Schmidt, Peter Spang, Judith Taylor, Katherine
Taylor, Kathleen

SULLIVAN

Cloutier, John Converse, Larry Donovan, Thomas Ferland, Brenda
Franklin, Peter Houde-Quimby, Charlotte Jillette, Arthur Jr Phinizy, James
Prichard, Stephen

and the majority committee report was adopted.

Rep. O'Neil moved that the House stand in recess until tomorrow at 10:00 a.m.

The House recessed at 4:10 p.m.

RECESS

(Deputy Speaker Weyler in the Chair)

The House was called to order at 10:00 a.m.

REGULAR CALENDAR (CONT'D.)

CACR 13, relating to prohibiting an income tax. Providing that no tax on personal income shall be levied by the state of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Steve Vaillancourt for the Majority of Ways and Means. This Constitutional Amendment Concurrent Resolution would enshrine in the state constitution the provision that an income tax may not be adopted in New Hampshire. The majority of the committee, even many who oppose the implementation of an income tax, do not believe future legislators should be so hamstrung. Were this to pass, and should 65 percent of citizens and/or legislators at some point in the future determine an income tax would be a good idea, it would be impossible to implement since the amendment would first have to be repealed (by a 60 percent vote of a future House and Senate to put the matter on the ballot and then by two-thirds of citizens voting at the polls). Thus, this amendment could remove the options of a future substantial majority. As with past amendments which the committee has considered and defeated, the majority of Ways and Means does not believe our constitution should be used as a referendum or for measures which may not stand the test of time. Certainly, a CACR should not be used as an opinion poll. Some published polls show that 35-40 percent of New Hampshire citizens support an income tax, not enough to pass one but certainly enough to block this amendment. They would certainly be joined by others, like many on the committee, who opposed an income tax but oppose prohibiting one constitutionally. Thus, while it might be fun to see what percentage this CACR would receive, it would serve no other purpose than to use the basic law of New Hampshire for purposes our forefathers would not condone. Out of respect to the CACR sponsors, the committee took a vote on reconsideration in light of a potential amendment which stipulated both earned and unearned income would not be taxable. The precise wording was, "no new tax shall be levied, directly or indirectly, upon a person's income, from whatever source it is derived." The vote on reconsideration failed 7-12 with some members noting that the amendment was even more restrictive than the original CACR. Vote 17-1.

Rep. Peyton B. Hinkle for the Minority of Ways and Means: Part Two, Articles 6 and 6-a of the New Hampshire Constitution identify the specific taxes, fees and tolls that may be used to pay for the public cost of government, but nowhere is taxation of personal income authorized. CACR 13 is designed to lay to rest the idea of an income tax and clearly declare that it is not to be used as a source of state revenue. Those testifying in favor of the resolution pointed out that people with portable incomes who are free to locate anywhere in the country would, with the passage of this resolution, be able to move to New Hampshire and know with confidence what taxes they would be responsible for in the future. These are the same people who invest in businesses in the state and help create jobs. This resolution would act as an incentive to people to move to New Hampshire and invest their economic resources in the state. Our present method of taxation provides a more stable revenue stream, whereas an income tax is more prone to rise and fall with the fluctuations in the economy. States having an income tax, such as Colorado, experience wide swings in revenues. Past experience has shown that governments have a propensity to tax and spend, and instituting a new tax does not guarantee that other taxes would be eliminated. Retired people living off their savings would be harmed by an income tax. Finally, CACR 13 would provide the people the opportunity, once and for all, to resolve the prospect of any new tax being levied on their income.

Reps. Mirski and Itse spoke against and yielded to questions.

Reps. Hirschmann and Camm spoke against.

Reps. Jasper spoke in favor and yielded to questions.

Rep. Vaillancourt spoke in favor.

Rep. O'Neil moved recommit to committee.

Reps. Major and Mirski spoke in favor

On a division vote, 101 members having voted in the affirmative and 221 in the negative, the motion to recommit failed.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 220 NAYS 103**YEAS 220
BELKNAP**

Allen, Janet
Morrison, Gail
Veazey, John

Fitzgerald, James
Pilliod, James
Whalley, Michael

Heald, Bruce
Russell, David

Millham, Alida
Thomas, John

CARROLL

Ahlgren, Christopher
Chandler, Gene
Olimpio, J Lisbeth

Babson, David Jr
Knox, J David
Patten, Betsey

Brown, Carolyn
Martin, James
Philbrick, Donald

Buco, Thomas
Morrow, Harry

CHESHIRE

Allen, Peter
Espiefs, Peter
Pelkey, Stephen
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Hogancamp, Deborah
Plifka, Stanley Jr
Robertson, Timothy

Butynski, William
Mitchell, Bonnie
Pratt, John
Sawyer, Sheldon

Chase, William
Parkhurst, Henry
Richardson, Barbara
Tilton, Anna

COOS

Buzzell, Bernard
Remick, William
Tholl, John Jr

King, Frederick
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Merrick, Scott
Theberge, Robert

GRAFTON

Almy, Susan
Gionet, Edmond
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Hammond, Lee
Naro, Debra
Ward, John

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon
Williams, Burton

Cooney, Mary
McLeod, Martha
Sokol, Hilda

HILLSBOROUGH

Beaulieu, Jane
Calawa, Leon Jr
Christensen, D L Chris
Cote, Peter
Dokmo, Cynthia
Essex, David
Gorman, Mary
Holden, Randolph
Jean, Claudette
Lasky, Bette
Movesian, Lori
Rosenwald, Cindy
Schulze, Joan
Vaillancourt, Steve

Bergin, Peter
Carlson, Donald
Clayton, William
Craig, James
Drisko, Richard
Foster, Linda
Graham, John
Infantine, William
Johnson, Paula
Lefebvre, Roland
O'Connell, Timothy
Ross, Lawrence
Smith, David
Wheeler, Robert

Brassard, Paul
Chabot, Robert
Clemons, Jane
Daniuk, Caitlin
Egbers, Fran
Garrity, Patrick
Hall, Betty
Irwin, Anne-Marie
Kopka, Angeline
Matarazzo, Anthony Sr
Pappas, Christopher
Rowe, Robert
Sullivan, Francis

Brundige, Robert
Chase, Claudia
Cote, David
DeVries, Betsi
Emerton, Larry
Goley, Jeffrey
Harvey, Suzanne
Jasper, Shawn
Kurk, Neal
Messier, Irene
Pilotte, Maurice
Ryder, Donald
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth
Currier, David
Gile, Mary
Kidder, David
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
DeJoie, John
Hager, Elizabeth
Lockwood, Priscilla
Oliver, James
Reardon, Tara
Tilton, Joy
Whiting, Herbert

Brueggemann, Donald
DeStefano, Stephen
Hamm, Christine
MacKay, James
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Williams, Robert

Clarke, Claire
French, Barbara
Hess, David
Maxfield, Roy
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Buxton, Donald

Belanger, Ronald
Cali-Pitts, Jacqueline

Bishop, Franklin
Carson, Sharon

Blanchard, MaryAnn
Casey, Kimberley

Charron, Gene
Dowd, John
Gould, Kenneth
Katsakiores, Phyllis
McKinney, Betsy
Parker, Benjamin
Stone, Joseph
Zolla, William

Cooney, Richard
Flockhart, Eileen
Griffin, Mary
Langley, Jane
Moody, Marcia
Robertson, Carl
Waterhouse, Kevin

Dalrymple, Janeen
Forsing, Robert
Headd, James
Major, Norman
Nowe, Ronald
Sanders, Elisabeth
Weare, E Albert

DiFruscia, Anthony
Francoeur, Sheila
Ingram, Russell
Mason, April
Pantelakos, Laura
Splaine, James
Wells, Roger

STRAFFORD

Berube, Roger
Callaghan, Frank
Domingo, Baldwin
Hilliard, Dana
Knowles, William
Smith, Marjorie

Bickford, David
Cataldo, Sam
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Spang, Judith

Brown, Jennifer
Chaplin, Duncan
Grassie, Anne
Kaen, Naida
Rous, Emma
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Heon, Richard
Keans, Sandra
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gale, Harry
Phinizy, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Irish, Christopher
Rodeschin, Beverly

NAYS 103

BELKNAP

Boyce, Laurie

Rosen, Ralph

Tilton, Franklin

Wendelboe, Fran

CARROLL

CHESHIRE

COOS

GRAFTON

Alger, John
Ingbretson, Paul

Barker, Robert
Maybeck, Margie

Eaton, Stephanie
Mirski, Paul

Giuda, Robert
Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Balboni, Michael
Biundo, Michael
Clark, Mark
Elliott, Nancy
Gonzalez, Carlos
Hawkins, Ken
L'Heureux, Robert
O'Brien, William
Renzullo, Andrew
Tahir, Saghir

Adams, Jarvis IV
Barry, J Gail
Boehm, Ralph
Coughlin, Pamela
Francoeur, Bea
Goyette, Peter Jr
Hellwig, Steve
McRae, Karen
Ober, Lynne
Slocum, Lee
Ulery, Jordan

Allan, Nelson
Batula, Peter
Buhlman, David
Crane, Elenore Casey
Gibson, John
Haley, Robert
Hinkle, Peyton
Mead, Robert
Price, Pamela
Souza, Kathleen
Villeneuve, Maurice

Baines, Stephen
Bergeron, Jean-Guy
Carew, James
Dyer, Donald
Golding, William
Hansen, Ryan
Hirschmann, Keith
Mooney, Maureen
Reeves, Sandra
Stepanek, Stephen
Wheeler, James

MERRIMACK

Anderson, Eric
Klose, John

Danforth, James
Langlais, Thomas

Field, William
Marple, Richard

Kennedy, Richard
Soltani, Tony

ROCKINGHAM

Allen, Mary
Cady, Harriet
Dumaine, Dudley

Asselin, Michael
Camm, Kevin
Flanders, John Sr

Bettencourt, David
Coburn, James
Garrity, James

Bicknell, Elbert
Dodge, Robert
Gilbert, Karl

Gillick, Thomas
Itse, Daniel
Kobel, Rudolph
Quandt, Marshall Lee
Welch, David

Hopfgarten, Paul
Johnson, Robert
McMahon, Charles
Quandt, Matthew
Wiley, Robert

Hughes, Daniel
Johnson, Rogers
O'Neil, Michael
Smith, Paul
Winchell, George

Introne, Robert
Katsakiores, George
Putnam, Ed II
Stiles, Nancy

STRAFFORD

Easson, Timothy

Hofemann, Roland

Hollinger, Jeffrey

Newton, Clifford

SULLIVAN

None

and the majority committee report was adopted.

Rep. Donald B. Campbell did not vote and notified the Clerk that he wished to be recorded in favor.

DEBATE ON CACR 13

Rep. Newton moved that the debate on *CACR 13*, relating to prohibiting an income tax. Providing that no tax on personal income shall be levied by the state of New Hampshire, be printed in the Permanent Journal.

Adopted.

Rep. Mirski: Thank you, Mr. Speaker. This proposed CACR gives me great pleasure of having the opportunity to address the members this morning. This is the best chance you are ever going to have to tell your constituents about how you feel about an income tax. We know from recent surveys that seven out of ten individuals in the state of New Hampshire oppose an income tax. Seven out of ten. That's staggering. The question will be how many of us agree with our constituents. Now the interesting thing about this income tax business is that most of us, our memory is only about 25 years old, we remember that Meldrim Thomson's an old guy who forced all subsequent governors to take the pledge to veto broadbased taxes, sales, income, whatever. We haven't had a gubernatorial race in the last 25 years where a candidate was initially elected without having taken the pledge. If that doesn't tell you something about the disposition of our constituents, really nothing will. Another interesting thing is, if you go back another 25 years, just outside the door is a portrait of a guy, you're not supposed to mention the name, but he's not here, Dan Healy from Manchester, who I'm told was the deciding vote back around 1948, a Democrat from Manchester – a deciding vote to kill an income tax in this House. Now we know that many of our friends on this side of the aisle, that many of their constituents support an income tax. We can't get the kind of votes we get on gubernatorial elections without Democrats and Republicans hating the idea of an income tax. That's the history.

Now you wonder, why would this be? I think from the very moment of creation, we were formed with this hatred in our constituency. The shots that were fired back in 1774 were all about taxes. And incidentally, as opposed to Concord and Lexington, it was an assault on the Crown. Those folks were all subject to treason. Back in 1774, they put their lives and fortunes on the block against taxes. Sometime if you are perusing your little black book and want to look at the constitution, read Article 28. That will tell you how much we hate taxes. So voting for CACR 13 puts you in good stead with about 70 percent of the folks according to current polls.

I'm sure some of the speakers who will speak against this idea for the committee report will like to tell you that prohibition on income tax should not be put in the constitution. In 1783, actually in the Constitutional Convention, the thirteen colonies got together and they prohibited all taxes, the federal government from collecting taxes from any sources, except excise, duties, tolls and fees. You couldn't have an income tax under the United States Constitution except by amendment which we passed in 1913, the 16th amendment. So to say you can't write this into a constitution just makes no sense to me. There's nothing wrong with prohibiting an income tax in our constitution, absolutely nothing at all.

Someone else might say this is putting politics in the constitution. This is not putting politics in the constitution. This is placing an administrative constraint on government. That's what the constitution is supposed to do. It sets constraints on government so that they don't take your house, your property, your family, abuse you. It's all about restraint on government. So, it's not politics getting a prohibition on an income tax in our state constitution, the politics comes afterwards. It will come from April to November of 2006 when this issue gets debated. That's the politics. And

those who want an income tax will argue against the adoption of this constitutional amendment, and those who don't will support it. That's the politics. That's what we deal with from signing up on primary day on through the November election.

Now, with respect to language. Someone is going to say, "Oh, this means we are not going to have a BET, and an interest and dividends tax, and that sort of stuff." Those taxes presently exist in statute and historically when we adopt amendments where we have statutory provisions, they remain until they are repealed. Now if you decide to repeal the BET or you decide to repeal the interest and dividends tax, well, then you are not going to get them back. But when was the last time we repealed a tax? The likelihood of that is next to nowhere, next to nothing. So you can't fear in that context.

Finally, for those of you who still may have the "woolies" you can take a look at page 391 in your calendar and there's an amendment. It just simply adds the word "new." So for those of you who worry about the BET or the BPT, which I think is no worry at all in the present language, we have an opportunity to amend the proposal to add that word and take that fear away.

I would say for those of us assembled here, we have a great opportunity to get in step with 70% of the folks in the state, seven out of ten voters and I think we ought to take advantage of it, so I encourage you to oppose the committee report of ITL, to vote against it, and if we can overturn the report we will offer the amendment on page 391 and get on with the business of letting the folks in this state decide once and for all whether we're ever going to have an income tax imposed. Thank you very much.

Rep. Alger: Thank you, Mr. Speaker. Thank you, Representative, for taking my question. Would you agree with me that for the length of time certainly that I've been here and you've been here that this has been an issue, that it's appropriate whether you're for the income tax or opposed to the income tax, to move it forward, have the debate and get it on the ballot and then if you're right about the 70%, it will pass. If you're wrong, it won't pass and it will kill the question and solve how we will proceed from there on. Do you agree with me that's a good idea? Thank you.

Rep. Mirski: Well, obviously I absolutely do agree with you and I think that the people really ought to have the opportunity to restrict their legislature in this way. They've been doing it by vote after vote, after vote, after vote for more than 50 years. That's the memory of most of the folks in this House and I just think we need to affirm it. Thank you.

Rep. Robert Wheeler: Thank you, Mr. Speaker. In New Hampshire I live a great deal south of you and perhaps the knowledge is more profound in the North Country. What gives you the confidence that an income tax ought to be outlawed now and forever?

Rep. Mirski: One of my, little things I kind of do, I like to watch votes, and I like to see where people come from and how they vote on matters of taxes. I used to believe that all the hardcore tax votes were somewhere up in Coos and Grafton and Carroll Counties, and one day I did an assessment, and I looked at how representatives from the North Country were voting on taxes and then how the representatives from all the towns pretty much along the Mass border were voting. I want to tell you the votes against taxes were all right along the border and the folks way up north are thinking they are in the last century. The folks around you folks in all these southern towns are the ones who really, really, really, really, really, hate income taxes. So, it's sort of counterintuitive. It turns out to be just upside down, the more liberal votes are up north, the really anti-tax votes are down south.

Rep. Hirschmann: Thank you, Speaker Pro Tem Weyler, good morning. Good morning, fellow legislators, it's an honor to be here. Why would a guy like Keith Hirschmann run for the House of Representatives? For one solemn reason. To protect the New Hampshire advantage, to solemnly come here today and say to you, "Put this question on the ballot before the people of New Hampshire. Let the question be answered by the people that would pay the tax."

It's an honor for me to follow a scholar of the constitution, someone as the Representative from the North Country, Mr. Mirski. He's far well versed in this issue than I am, but I tell you today, there is a difference in an income tax. An income tax is an affront to the middle class and the lower class of our state. There is something called the "business class" in our state. The business class can expense their way out of an income tax. It's quite easy to buy a vehicle, to buy furniture, to expense a business. This would be an affront to people in unions that pay dues, that would pay an income tax, that should not see a tax come out of their pay check when their health costs are rising and other things in our state. There are a lot of people who can barely afford to live in the state of New Hampshire and we're the most affordable state to live in. That's quite ironic.

I will leave you with one ditty from someone that we all love, our New England Patriots. At the Super Bowl you saw a commercial a hundred times saying, "Not today, not tomorrow, not in our House." Let's get this on the ballot for the right people, for the lower class, for the middle class, for all the citizens of New Hampshire, for the seniors, people are paying enough taxes. They don't need an income tax. Let the people have a solemn voice in what would effect them the most – an income tax in the State of New Hampshire. Thank you.

Rep. Vaillancourt: Thank you, Mr. Deputy Speaker, I rise in support of the committee's recommendation of ITL. Since it's a constitutional amendment, I brought the constitution with me once again today and thought we would talk a little bit about that. Harold Burns has never looked better, I guess this is an old book. The constitution has not changed since 1995. In fact, it hasn't changed since a lot longer before that, so this book is still valid and it talks very little about taxation. Because the founders of the constitution were wise enough to realize that they could not foresee the future, they could not determine what type of tax would be valid or best or most appropriate for a future generation. These were very wise men, and I suggest that we should attempt to be just as wise as they are in what we subscribe to and put in the constitution.

When I talked to you about CACRs a couple of weeks ago, I talked about the basic principle and how they have to be approved by an overwhelming majority in order to pass. We've had several CACRs since then and I did a little more thinking about my general philosophy of how I view these constitutional amendments. I want to just quickly separate, before I talk about the income tax, three constitutional amendment ideas that might come before us that I would treat separately. One is a CACR that I not only would like to put on the ballot for the people to consider, but think that they should vote for and I would vote for. It's an election law CACR that talks about redistricting, a favorite subject of mine, so that every city or town with 3,089 people would have at least one representative. I think that's what the founders intended, that would be a CACR that I would vote for not only to put it on the ballot but when it gets to the ballot. There's another CACR that I think is very legitimate to go to the people because it deals with how we function. The constitution is our basic law, it spells out how we govern ourselves and our basic rights. This other CACR is something I would give to the people to decide, because it is legitimate, but then I would not vote for as a person. It is to increase the governor's term from two to four years. I don't think it's a good idea, but I think the people could well be given that to decide. Now this is a third type of CACR. This is one I don't think even meets the minimum requirements of putting on the ballot to the people because I do not believe we should be putting this kind of thing in the constitution. Now, my friend who is a distinguished scholar on the constitution, that's why I take so much surprise that I disagree with him so strongly on certain issues, my friend from Enfield referred to people who are for an income tax being against some people who are against an income tax before this. But that's clearly not true, Mr. Speaker. The vote in the Ways and Means Committee was 17 to 1. Now you're not going to tell me that all those Republicans on the Ways and Means Committee are for an income tax, that's why they voted against this. No, they're not at all. Most of the people in that committee, including myself that voted against this CACR are also adamantly against an income tax. When in one of the most august moments of this House in 1999, the income tax passed 194 to 190 on the illustrious day, when Donna Sytek welded the gavel, I was one of seven Democrats to vote against it. Two of them are currently dead. I was thinking of them last night, they used to sit in front of me, so I remember them very well. But I voted against that, my party put pressure on me, and I still voted against it. Now before our committee some people were saying, "Oh, this is a Republican position in their platform that we're against an income tax." I agree, that is a Republican position, but there's no Republican position that I can find that we are for mandating that in the constitution.

The best way to maintain the New Hampshire advantage that my colleague from Manchester speaks of, is to do as we are doing right now. Continue sending representatives here who are against an income tax. This little pink sheet that was sent out by the Republicans, one of their coalitions, yesterday, it says, "This bill is your best opportunity to show your constituents how you feel about an income tax." I disagree. The best bill to do that was one we voted on yesterday, early in the day, which was the bill that would have mandated an income tax for this year, House Bill 622. You know what, it failed 246 to 45, a margin of about 83%.

The last two candidates we had for governor that favored an income tax, I actually went into the Secretary of State's office on my way over, Arnie Arnesen in 1992 got about 40%, Mark Fernald

got less than that in 2002. However, they got more than the one-third that would be necessary to block this CACR from passing. So if we would put this on the ballot, what we are doing is basically saying, "Let's have an opinion poll to see how many people, in fact, want to get rid of an income tax in the constitution."

Well, I say to you my fellow legislators that the constitution is too sacred to be used as a referendum as we talked about a couple weeks ago and it's certainly too sacred to be used as an opinion poll. We have those who can do calls for that regard, but for this effect, I ask you to do what the majority of the Ways and Means Committee did, realize that although we are against an income tax, it's not the kind of thing that should be legislated in our constitution. Thank you very much. Rep. Camm: Thank you, Mr. Speaker. Honorable members of the House. Being on Ways and Means has its certain advantages. At the beginning of this session, we were briefed for days on national, regional, state and local economies. And I can tell you that New Hampshire ranks highest or very high regionally in numerous economic classifications. Percent of increase of personal and business income and or growth, percent of increase of real estate appreciation, our employment rate, our lowest overall tax burden. When it comes to recessions, we're the last one in and the first one out, etc. etc. These are some components of what is known as "the New Hampshire advantage." The duty of the Ways and Means Committee, I'll be brief, "It shall be the duty of the Committee on Ways and Means to examine and consider the state of the treasury; to consider and report on all bills resolutions relating to raising money by a state tax and the apportionment of same, state fees, and all methods of raising revenue for the state; and such other matters as may be referred to it." Now what do you suppose the chances are of a constitutional amendment limiting revenues coming out of Ways and Means with a favorable recommendation? Maybe somewhere around 1 to 17. Heck, with my Ways and Means cap on I was one of the seventeen.

At one of the very first meetings I attended with the new Speaker, he suggested that we consider going back to the old constitutional and statutory reform committee. That committee existed during my first term. All constitutional questions went to that committee. I'm beginning to see the wisdom of that suggestion. After listening to my colleagues, constituents and others, with my Republican and anti-income tax cap on, I believe we should allow our citizens to vote on this important issue. Think of what this would do. It would energize the debate on both sides of the issue. It would provide a vehicle of getting an awful lot of people to the polls to participate in the process, perhaps even a record turnout for a non-presidential election.

Let's settle the income tax issue for the immediate future, and if passed, would certainly catapult the New Hampshire advantage like no one has ever envisioned. Let's enhance the New Hampshire advantage. Remember that our ultimate responsibility is to our constituents. Please vote against the ITL recommendation. Thank you, Mr. Speaker.

Rep. Itse: Thank you, Mr. Speaker. Honorable members of the General Court. A few moments ago Rep. Vaillancourt said that we don't have much about taxes in our constitution. But in the first part, The Bill of Rights, we do specify that all taxes must be uniform and proportional, a protection for the people. Most of what he considers to be appropriate amendments to the constitution deal with our form of government, how we do business. But what have we done in the last half century? Part I, Article 2, we amended it to provide equality before the law based on race, religion, sexual orientation. Part 1, 2A, when the federal government started diminishing our right to bear arms, we put the right to bear arms in our constitution, Part I, Article 6, we changed the language when defining what we considered high morality. No, we make a number of constitutional changes that are not dealing with the form of government.

So what is our constitution. Part I, Article 1 of our constitution says, "All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good." Our government is founded with and only continues with the consent of the people. The constitution is the expression of that consent. James Madison put it this way, "Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government, which impartially secures to every man, whatever is his own." What is more his own than the fruit of his labor? His income. A tax on income is not mentioned anywhere in any founding American document. It does however appear in Karl Marx's "Communist Manifesto" right after abolishing private property and before eliminating inheritance. When the government tell you how much of your income they can take, they control your entire income. You will conform your behavior to their dictates in order to maximize what

you can retain. You are in effect a slave. The constitution is the people's constraint upon the government. It is their mechanism to restrain the ambitions and greed of those who make up their government – us. It is written down so that we have a known set of rules referenceable, less easily corrupted.

Every one of you who has an "R" next to your name was a delegate to the Republican state convention at which the platform was unanimously adopted. Article IV of the New Hampshire GOP platform states that we will preserve and protect freedom from broadbased sales and income taxes. What better way to maintain that freedom than to prohibit income taxes in the constitution.

Some of you have stated that you don't want to constrain future legislatures. But American government at all levels has demonstrated an insatiable appetite for the wealth of the people. What if the people want to constrain us in future legislatures? Ought they be able to? Don't they have the right to? And don't we have the obligation to give them the opportunity to? This isn't about us constraining future legislatures, it is about the people constraining future legislatures.

When New Hampshire elections have been about an income tax, the people of New Hampshire have turned out in record numbers and voted against the pro-income tax candidates. Yesterday 60% of this House voted against an income tax. In my opinion, every person in this room who is a true representative of the people is obligated to vote against the committee recommendation. Allow the people to express their will on this matter which is most important to their future prosperity.

When people see my license plate, they ask me if I work for the government. I tell them, "No, I work for the people." So tell me now, who do you work for? The government or the people?

Rep. Dodge: Thank you, Mr. Speaker. And thank you for taking my question my fellow representative from Fremont. I sit here listening to the arguments about the constitution and what we should put in it and what we shouldn't put in it. Is it alright for the federal government to put, in 1913 they passed the one for, 16 I think it was, Article 16, if they could do it why can't we?

Rep. Itse: That's absolutely correct.

Rep. Jasper: Thank you, Mr. Speaker. I believe that I do represent my constituents and I think that's why they've elected me to this House six times over the last 20 years. And during those six terms I have always opposed an income tax and I will always oppose an income tax. I've heard people say that it's a fair tax. Well, the fact is that because you are a New Hampshire resident, if you work out of state you won't pay a dime, only New Hampshire residents who live in this state and work in this state pay that tax, to me makes it one of the least fair taxes.

So why wouldn't I be in favor of putting this into the constitution and prohibiting it? We've heard a lot of good arguments, I think on both sides so I'm not going to go over those again. My reasons are a little bit different, and they are that I believe that it is important for us to have this debate each and every session. I believe that we will, as we have in the past, if it's not in the constitution because I believe it is very important for our constituents to know how the people in this chamber feel about the issue of taxation. I was against Tabor I spoke against that for essentially the same reason. I don't like taxes, I don't want to increase them, I don't like spending. I was one of 39 who voted against the budget last time. But I think it's important for our constituents, if they care, to be able to pull out the roll call from each session and look and see how we stand on a myriad of issues. Every time we lock something into the constitution, we take that debate away from our constituents. We take that record that we should be running on away from our constituents. The people who are elected here, their vision for what New Hampshire should be, becomes a little bit more clouded because the really important issues on how they feel may, in fact, not be in the public view. I think we need to have this debate. I think we need to stand here and go on the record as we did yesterday on the income tax, and on spending and let the people decide then, otherwise we may end up with a chamber full of people who no one really understands how they vote and when push comes to shove they may not like it. I stand here proudly against this bill and ask you to join with me in making sure this House continually goes on the record because I think what happened in 1999 had happened and the governor had signed the income tax into law, this chamber would have been cleaned out the next session and we would have had a lot of new people in here. I don't think the people of this state want an income tax. I think they would have reacted to what we did and I think that is very important for our form of government. Thank you very much, Mr. Speaker.

Rep. Giuda: Thank you, Mr. Deputy Speaker. To the representative from Hudson, would it be reasonable to say that if an income tax was instituted by this chamber, that regardless of whether the voters removed it in its entirety, that the legacy would remain. That the taxation would stay in place regardless of who came in the next term and that that is what we are trying to avoid?

Rep. Jasper: I absolutely disagree with you. We put laws on the books all the time and the legislature repeals them or not based on the membership in this House. I think if we enacted an income tax and this chamber were cleared out, the people coming in here would see that as a clear mandate and that income tax would probably never even have the opportunity to actually go into effect.

Rep. Kurk. Thank you, Mr. Speaker. For those of us who oppose an income tax isn't the most important reason to vote inexpedient on this, is so that we continue to have a wonderful issue to beat up our opponents?

Rep. Jasper: That is certainly one way of looking at it and I wouldn't disagree with you, Rep. Kurk.

BILLS REMOVED FROM CONSENT CALENDAR

HB 98, relative to law enforcement authority under the safe schools act. OUGHT TO PASS WITH AMENDMENT

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill is simple in its structure. It is about giving authority to license pistols and revolvers to just one level of government instead of retaining it in several levels. The bill invests that authority in the chief law enforcement officer of a town or city, the chief of police, or his designee, or in cases of unincorporated towns and towns with no fulltime police department, the county sheriffs. This also removes the possibility of an individual who may or may not have a political agenda from denying or approving a license to carry a concealed firearm. The majority of the committee felt that since law enforcement personnel are the only ones that can perform background checks, they know from experience the times they were called to a given place for any sort of complaint. In essence, law enforcement officers are the ones who are in contact with individuals who at some point in time may request a license to carry. Succinctly, they are the ones who know the background of individuals in their towns the best, and whether or not that citizen is a "suitable person" under NH Law. Vote 12-1.

Amendment (0374h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to law enforcement authority to issue permits to carry firearms.

Amend the bill by replacing all after the enacting clause with the following:

I Pistols and Revolvers; License to Carry. Amend RSA 159:6 to read as follows:

159:6 License to Carry.

I. The ~~[selectmen]~~ **chief law enforcement officer, or designee**, of a town or ~~[the mayor or chief of police of]~~ a city ~~[or some full-time police officer designated by them respectively]~~, **or the county sheriff in areas without a chief law enforcement officer**, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 4 years. When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew a license to carry for a resident or nonresident, unless requested by the applicant.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows only law enforcement officers to issue permits to carry firearms. Rep. James Wheeler spoke against the amendment.

LAID ON THE TABLE

Rep. Bicknell moved that **HB 98**, relative to law enforcement authority under the safe schools act, be laid on the table.

Adopted.

BILLS REMOVED FROM CONSENT CALENDAR (CONT'D.)

HB 252, requiring bail hearings for persons arrested for probation violations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lee M. Hammond for Criminal Justice and Public Safety: This bill would Ensure that individuals apprehended for technical violations of their probation do not remain in jail at taxpayer expense for excessive periods of time while awaiting judicial review, as is currently the case in some of our counties. The courts, probation, parole, the Attorney General and the New Hampshire Civil Liberties Union are all firmly behind this legislation. Vote 14-0.

Amendment 0450h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Release of Person Detained for Probation Violation. Amend RSA 597:2 by inserting after paragraph I the following new paragraph:

I-a. Except as provided in RSA 597:I-d, upon the appearance before the court of a person charged with a probation violation, the court shall issue an order that, pending a probation violation hearing, the person be:

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph II;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or

(c) Detained.

2 New Section; Bail and Recognizances for Person Detained for Probation Violation. Amend RSA 597 by inserting after section 5 the following new section:

597:5-a When Required; Bail and Recognizances for Person Detained for Probation Violation. Every court may, when a person is accused of an offense or a probation violation in which said court is authorized to receive bail, release said person on personal recognizance or require him or her to recognize, with sureties, to appear at a future time before the court or any other competent tribunal.

3 Effective Date. This act shall take effect January 1, 2006.

Adopted.

Committee report adopted and ordered to third reading.

HB 454, relative to carrying a concealed weapon without a license. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill repeals certain statutes that require a license to carry a pistol or revolver. It further provides that under the Full Faith and Credit clause of the United States Constitution, New Hampshire residents shall not be required to obtain a license to carry a concealed weapon in any other state or territory of the United States. The first part of the bill that establishes a Full Faith and Credit clause would mean that New Hampshire is requiring all other states and territories to allow our residents to carry a concealed weapon in such other state or territory regardless of their laws. The committee unanimously rejected the concept that we should be able to void laws of other states as much as we would resist the attempt of other states to void our laws. The second part of this bill is identical to that presented in HB 285, which was also rejected by this committee. Reiterating in part what we said with regard to HB 285, we have heard, and rejected, several versions of this bill that have been brought forth in every session over the last several years. New Hampshire already has some of the most permissive firearms laws in the United States. A person can already carry a loaded firearm as long as it is not concealed or in a vehicle. The current law works well and should remain in place. Vote 17-0.

Rep. Marple spoke against and yielded to questions.

Rep. Tholl spoke in favor.

Adopted.

HB 645-FN, relative to fire-safe cigarettes. **OUGHT TO PASS**

Rep. E. Albert Weare for Criminal Justice and Public Safety: This bill will require that all cigarettes sold or offered for sale in the State of New Hampshire be certified by the manufacturer in writing to meet the standards of "Fire Safe Cigarettes." "Fire Safe Cigarettes" are manufactured in such a way that a cigarette left unattended will not stay lit, thus reducing many fires started by careless smokers. The results of many studies were presented in a workshop for fire service professionals and legislators on February 16, 2005. Testimony was overwhelming in favor of passage. The bill further directs the Commissioner of Safety in consultation with the State Fire Marshall to adopt rules under RSA 541-A that establish fire safety standards for cigarettes that are sold or offered for sale in the state. These standards will be modeled after the standards used in other jurisdictions that have imposed such standards. This law will contribute greatly to the reduction of lives and property lost in those incidents of fires directly related to smoking material. Vote 15-0.

Rep. Buhlman spoke against and yielded to questions.

Rep. Weare spoke in favor and yielded to questions.

Rep. Wendelboe spoke against.

MOTION TO LAY ON THE TABLE

Rep. Rodeschin moved that **HB 645-FN**, relative to fire-safe cigarettes, be laid on the table.

On a division vote, 161 members having voted in the affirmative and 172 in the negative, the motion failed.

The question now being adoption of the committee report.

Rep. Welch spoke in favor.

Rep. Bulhman requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 199 NAYS 134**YEAS 199****BELKNAP**

Heald, Bruce	Millham, Alida	Morrison, Gail	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Knox, J David	Martin, James	Olimpio, J Lisbeth	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Theberge, Robert	Tholl, John Jr		

GRAFTON

Alger, John	Almy, Susan	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Giuda, Robert	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Ward, John

HILLSBOROUGH

Aboshar, Jeffrey	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Chase, Claudia	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Dokmo, Cynthia	Egbers, Fran	Essex, David

Foster, Linda
 Goley, Jeffrey
 Hall, Betty
 Irwin, Anne-Marie
 L'Heureux, Robert
 Movsesian, Lori
 Price, Pamela
 Schulze, Joan
 Ulery, Jordan

Gargas, Carolyn
 Gonzalez, Carlos
 Harvey, Suzanne
 Jean, Claudette
 Lasky, Bette
 O'Connell, Timothy
 Reeves, Sandra
 Smith, David
 Villeneuve, Maurice

Garrity, Patrick
 Gorman, Mary
 Hirschmann, Keith
 Johnson, Paula
 Matarazzo, Anthony Sr
 Pappas, Christopher
 Rosenwald, Cindy
 Sullivan, Francis
 Wheeler, Robert

Golding, William
 Haley, Robert
 Infantine, William
 Kopka, Angeline
 Mooney, Maureen
 Pilotte, Maurice
 Ryder, Donald
 Sullivan, Peter

MERRIMACK

Bouchard, Candace
 DeStefano, Stephen
 Hamm, Christine
 Oliver, James
 Reardon, Tara
 Tilton, Joy
 Williams, Robert

Brueggemann, Donald
 French, Barbara
 Kidder, David
 Osborne, Jessie
 Rush, Deanna
 Wallner, Mary Jane
 Yeaton, Charles

Clarke, Claire
 Gile, Mary
 MacKay, James
 Owen, Derek
 Ryan, Jim
 Walz, Mary Beth

DeJoie, John
 Hager, Elizabeth
 McMahon, Patricia
 Potter, Frances
 Shurtleff, Stephen
 Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
 Buxton, Donald
 DiFruscia, Anthony
 Forsing, Robert
 Gillick, Thomas
 Langley, Jane
 Putnam, Ed II
 Stiles, Nancy
 Welch, David

Asselin, Michael
 Cali-Pitts, Jacqueline
 Dowd, John
 Francoeur, Sheila
 Gould, Kenneth
 Moody, Marcia
 Robertson, Carl
 Stone, Joseph
 Wells, Roger

Bicknell, Elbert
 Casey, Kimberley
 Flanders, John Sr
 Garrity, James
 Griffin, Mary
 O'Neil, Michael
 Sanders, Elisabeth
 Waterhouse, Kevin
 Wiley, Robert

Blanchard, MaryAnn
 Charron, Gene
 Flockhart, Eileen
 Gilbert, Karl
 Johnson, Robert
 Pantelakos, Laura
 Splaine, James
 Weare, E Albert
 Winchell, George

STRAFFORD

Berube, Roger
 Cilley, Jacalyn
 Goodwin, Earle
 Hofemann, Roland
 Knowles, William
 Smith, Marjorie
 Wall, Janet

Bickford, David
 Creteau, Irene
 Grassie, Anne
 Johnson, Nancy
 Rollo, Michael
 Snyder, Clair

Brown, Jennifer
 Dunlap, Patricia
 Heon, Richard
 Kaen, Naida
 Rous, Emma
 Spang, Judith

Callaghan, Frank
 Easson, Timothy
 Hilliard, Dana
 Keans, Sandra
 Schmidt, Peter
 Taylor, Kathleen

SULLIVAN

Cloutier, John
 Gale, Harry
 Prichard, Stephen

Donovan, Thomas
 Houde-Quimby, Charlotte

Ferland, Brenda
 Jillette, Arthur Jr

Franklin, Peter
 Phinizy, James

NAYS 134

BELKNAP

Allen, Janet
 Veazey, John

Boyce, Laurie
 Wendelboe, Fran

Fitzgerald, James
 Whalley, Michael

Tilton, Franklin

CARROLL

Chandler, Gene
 Patten, Betsey

Dickinson, Howard
 Philbrick, Donald

McConkey, Mark

Morrow, Harry

CHESHIRE

Emerson, Susan
 Sawyer, Sheldon

Hunt, John

Pelkey, Stephen

Roberts, Kris

COOS

King, Frederick

Richardson, Herbert

Stohl, Eric

GRAFTON

Eaton, Stephanie
Maybeck, Margie

Gionet, Edmond
Mirski, Paul

Ham, Bonnie
Sorg, Gregory

Ingbreton, Paul
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Brundige, Robert
Carlson, Donald
Crane, Elenore Casey
Emerton, Larry
Graham, John
Hinkle, Peyton
Kurk, Neal
Messier, Irene
Ross, Lawrence
Stepanek, Stephen

Allan, Nelson
Bergeron, Jean-Guy
Buhlman, David
Chabot, Robert
Drisko, Richard
Francoeur, Bea
Hansen, Ryan
Holden, Randolph
Lefebvre, Roland
O'Brien, William
Rowe, Robert
Tahir, Saghir

Balboni, Michael
Biundo, Michael
Calawa, Leon Jr
Christensen, D L Chris
Dyer, Donald
Gibson, John
Hawkins, Ken
Hunter, Bruce
McRae, Karen
Ober, Lynne
Slocum, Lee
Vaillancourt, Steve

Barry, J Gail
Boehm, Ralph
Carew, James
Clark, Mark
Elliott, Nancy
Goyette, Peter Jr
Hellwig, Steve
Jasper, Shawn
Mead, Robert
Renzullo, Andrew
Souza, Kathleen
Wheeler, James

MERRIMACK

Anderson, Eric
Field, William
Langlais, Thomas
Soltani, Tony

Blanchard, Elizabeth
Hess, David
Lockwood, Priscilla
Tupper, Frank

Currier, David
Kennedy, Richard
Marple, Richard

Danforth, James
Klose, John
Maxfield, Roy

ROCKINGHAM

Allen, Mary
Cady, Harriet
Cooney, Richard
Headd, James
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Parker, Benjamin
Smith, Paul

Belanger, Ronald
Camm, Kevin
Dalrymple, Janeen
Hopfgarten, Paul
Itse, Daniel
Kobel, Rudolph
McMahon, Charles
Priestley, Anne
Zolla, William

Bettencourt, David
Carson, Sharon
Dodge, Robert
Hughes, Daniel
Johnson, Rogers
Major, Norman
Morris, Richard
Quandt, Marshall Lee

Bishop, Franklin
Coburn, James
Dumaine, Dudley
Ingram, Russell
Katsakiores, George
Mason, April
Nowe, Ronald
Quandt, Matthew

STRAFFORD

Brown, Julie
Hollinger, Jeffrey

Campbell, W Packy
Newton, Clifford

Cataldo, Sam

Chaplin, Duncan

SULLIVAN

Converse, Larry
and the committee report was adopted.

Irish, Christopher

Rodeschin, Beverly

Rep. David B. Campbell did not vote and notified the Clerk that he wished to be recorded in favor.
Referred to the Committee on Ways and Means.

HB 451-FN-L, requiring the separate preparation and approval process for the special education budget. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara J. Hagan for Education: The committee overwhelmingly agrees the bill is unnecessary and conveys a false sense of control over special education costs. Communities already have the power and opportunity to break out any and all costs with respect to budgetary items. The legislation does not relieve any community from meeting special education costs. Vote 16-0.
Committee report adopted.

HB 612-FN, establishing the New Hampshire volunteer elementary teachers and students program. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: The committee appreciates the concept brought forward by the sponsor. However, we feel this bill is not needed. We need qualified teachers in the classroom.

Credit would be earned at the expense of the taxpayers and school districts. Volunteer teachers would be the primary educator in classrooms and this bill is not in keeping with No Child Left Behind (NCLB). It would also raise issues in the educational process. Vote 16-0.

Rep. Field spoke against and yielded to questions.

Rep. Claire Clarke spoke in favor.

Rep. Field requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 233 NAYS 98

YEAS 233

BELKNAP

Allen, Janet	Fitzgerald, James	Heald, Bruce	Millham, Alida
Morrison, Gail	Thomas, John	Veazey, John	Wendelboe, Fran

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Knox, J David	McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

King, Frederick	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr

GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Ward, John			

HILLSBOROUGH

Aboshar, Jeffrey	Balboni, Michael	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Campbell, David	Chase, Claudia	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Garrity, Patrick	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Hinkle, Peyton	Holden, Randolph	Hunter, Bruce
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Johnson, Paula	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Lefebvre, Roland	Messier, Irene	Movsesian, Lori	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilote, Maurice	Price, Pamela
Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald	Schulze, Joan
Smith, David	Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	French, Barbara

Gile, Mary
Kidder, David
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Hager, Elizabeth
Klose, John
Oliver, James
Reardon, Tara
Tilton, Joy
Whiting, Herbert

Hamm, Christine
Lockwood, Priscilla
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Williams, Robert

Hess, David
MacKay, James
Owen, Derek
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Coburn, James
Dowd, John
Gillick, Thomas
Johnson, Robert
Langley, Jane
Morris, Richard
Robertson, Carl
Stiles, Nancy
Wells, Roger

Belanger, Ronald
Cali-Pitts, Jacqueline
Cooney, Richard
Flanders, John Sr
Gould, Kenneth
Katsakiores, George
Major, Norman
O'Neil, Michael
Sanders, Elisabeth
Stone, Joseph
Wiley, Robert

Bicknell, Elbert
Casey, Kimberley
Dalrymple, Janeen
Flockhart, Eileen
Griffin, Mary
Katsakiores, Phyllis
Mason, April
Pantelakos, Laura
Smith, Paul
Weare, E Albert
Winchell, George

Blanchard, MaryAnn
Charron, Gene
DiFruscia, Anthony
Francoeur, Sheila
Ingram, Russell
Kobel, Rudolph
Moody, Marcia
Priestley, Anne
Splaine, James
Welch, David

STRAFFORD

Berube, Roger
Cataldo, Sam
Dunlap, Patricia
Heon, Richard
Kaen, Naida
Rous, Emma
Spang, Judith

Brown, Jennifer
Cilley, Jacalyn
Easson, Timothy
Hilliard, Dana
Keans, Sandra
Schmidt, Peter
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Goodwin, Earle
Hofemann, Roland
Knowles, William
Smith, Marjorie
Wall, Janet

Callaghan, Frank
Domingo, Baldwin
Grassie, Anne
Johnson, Nancy
Rollo, Michael
Snyder, Clair

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gale, Harry
Phinizy, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Irish, Christopher
Rodeschin, Beverly

NAYS 98

BELKNAP

Boyce, Laurie
Tilton, Franklin

Pilliod, James
Whalley, Michael

Rosen, Ralph

Russell, David

CARROLL

Babson, David Jr

Dickinson, Howard

Martin, James

Morrow, Harry

CHESHIRE

Emerson, Susan

Hunt, John

Pelkey, Stephen

Sawyer, Sheldon

COOS

None

GRAFTON

Alger, John
Giuda, Robert
Mirski, Paul

Barker, Robert
Ham, Bonnie
Sorg, Gregory

Eaton, Stephanie
Ingbreton, Paul
Williams, Burton

Gionet, Edmond
Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Biundo, Michael
Carlson, Donald
Clark, Mark
Francoeur, Bea

Allan, Nelson
Boehm, Ralph
Chabot, Robert
Crane, Elenore Casey
Gargas, Carolyn

Barry, J Gail
Buhlman, David
Christensen, D L Chris
Desmarais, Vivian
Gibson, John

Bergeron, Jean-Guy
Carew, James
Christiansen, Lars
Elliott, Nancy
Golding, William

Goyette, Peter Jr
Kurk, Neal
Mooney, Maureen
Rowe, Robert

Hansen, Ryan
Matarazzo, Anthony Sr
O'Brien, William
Slocum, Lee

Hawkins, Ken
McRae, Karen
Reeves, Sandra
Souza, Kathleen

Hellwig, Steve
Mead, Robert
Renzullo, Andrew
Wheeler, James

MERRIMACK

Anderson, Eric
Langlais, Thomas

Danforth, James
Marple, Richard

Field, William
Maxfield, Roy

Kennedy, Richard
Soltani, Tony

ROCKINGHAM

Allen, Mary
Cady, Harriet
Dumaine, Dudley
Hopfgarten, Paul
Johnson, Rogers
Putnam, Ed II
Zolla, William

Bettencourt, David
Camm, Kevin
Forsing, Robert
Hughes, Daniel
McKinney, Betsy
Quandt, Marshall Lee

Bishop, Franklin
Carson, Sharon
Garritty, James
Introne, Robert
McMahon, Charles
Quandt, Matthew

Bridle, Russell
Dodge, Robert
Headd, James
Itse, Daniel
Nowe, Ronald
Waterhouse, Kevin

STRAFFORD

Bickford, David

Chaplin, Duncan

Hollinger, Jeffrey

Newton, Clifford

SULLIVAN

None

and the committee report was adopted.

WITHOUT OBJECTION

Without objection, the Chair ordered that since the House was technically still in the March 9, 2005 session, any leave of absence requests received by the Clerk today will be granted, unless otherwise ordered by the House.

LEAVES OF ABSENCE

Reps. Albert, Baroody, Fesh, Donald Flanders, Foote, Hutchinson, Stephen L'Heureux, Morneau, Nedeau, Packard, Palangas, Palazzo, Stevens, and Weldy, the day, illness.

Reps. Charles Clark, Dexter, Donahue, Dowling, Foose, Ginsburg, Greco, Hagan, Hebert, Lawrence, Lund, Michon, Miller, Pepino, Powers, Rausch, Reed, Rochette, Stella Scamman, W. Douglas Scamman, Scanlon, Serlin, Tobin, Twombly, and Velez, the day, important business.

Rep. Manney, the day, illness in the family.

Reps. Kimberly Shaw and Rolston, the day, death in the family.

The House recessed at 12:00 p.m.

RECESS

(Deputy Speaker Weyler in the Chair)

The House reconvened at 1:40 p.m.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 624-FN, relative to penalties in certain health and health-related professions. **INEXPEDIENT TO LEGISLATE**

Rep. Alida I. Millham for Executive Departments and Administration: The intent of this bill is to make the penalties for practicing without a license consistent across all the health and health related professions. Upon study, it appeared that a penalty that would work for one profession would not necessarily work for another. Also, there was no evidence that the penalty clause in each of the health and health care professions practice laws was not working and it was determined that any problems with the clause could be dealt with on a case by case basis. On the initial vote in executive session the committee voted 16-2 inexpedient to legislate. The sponsor requested, reconsideration because of new information that was not given during the initial hearing and a subcommittee hearing. Upon review, the committee once again voted inexpedient to legislate by the same vote. Vote 16-2.

Rep. Bergin moved recommit to committee and spoke in favor.

Adopted.

Recommitted to the Committee on Executive Departments and Administration.

SB 39, relative to disinterment of dead bodies. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee recognized the sensitive issue involved in this bill. The main purpose of this bill is to clarify notification to surviving family members that a request for disinterment permit has been requested. The bill requires written notice of the request and sufficient time to object to the disinterment before the permit is issued. Therefore, the trustees of cemeteries are not allowing a disinterment without appropriate notice. This bill would not affect an order by a county attorney or the attorney general who disinters a body for autopsy purposes. Vote 17-0.

Rep. MacKay offered floor amendment (0509h).

Floor Amendment (0509h)

Amend RSA 290:5 as inserted by section 1 of the bill by replacing it with the following:

290:5 Burial Permit Required. No interment of the dead body of a human being, nor disposition of the body in a tomb or vault, shall be made without a permit, and only in accordance with it. No disinterment, except as otherwise provided in this chapter, of the dead body of a human being shall be made without a permit from the department of health and human services, countersigned by the local health officer, and only in accordance with such permit. *Before a disinterment permit is granted, the surviving spouse, parents, and children, who are 18 years of age or older, of the deceased human being shall be given written notice by certified mail of the disinterment request and shall be afforded 10 days from the written notice to object to the disinterment before the permit is issued.* Such disinterment permit shall not be required for removal of such dead body from a tomb or vault for the purpose of burial, for reinterment of dead bodies after discontinuance of a public cemetery, as provided in RSA 289:15 and 289:16, if a body is to be removed within the geographic boundaries of the same cemetery, nor in a case where an autopsy has been ordered by a county attorney or the attorney general. No person shall assist in, assent to, or allow an interment or disinterment to be made until a permit has been obtained under this section. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

Rep. MacKay spoke in favor and yielded to questions.

Floor amendment (0509h) adopted.

Committee report adopted and ordered to third reading.

HB 682-FN, requiring an informational statement regarding the powers of district courts. **INEXPEDIENT TO LEGISLATE**

Rep. Cynthia J. Dokmo for Judiciary: This bill would require the District Court to include, with every summons, a written statement that participants in the court proceedings have no constitutional rights. This is simply not accurate. District Courts were created by the legislature pursuant to Part II, Article 72-a of the New Hampshire Constitution. The justices are constitutional officers, who take the oath of office swearing to uphold the constitution. All participants in district court proceedings enjoy the same constitutional rights and protections as do participants in so-called "constitutional courts." For these reasons, the committee voted unanimously to recommend ITL. Vote 15-0.

Rep. Marple spoke against and yielded to questions.

Rep. Dokmo spoke in favor.

Committee report adopted.

HB 524, relative to outsourcing of jobs. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Giuda for Labor, Industrial and Rehabilitative Services: While the intent of the bill is laudable, as proposed it would in fact be grossly punitive and contrary to the accepted reality of globalization which in fact can result in substantial cost savings and job savings if offshore outsourcing is managed rather than repudiated. This bill's provisions would not prevent large companies from dropping New Hampshire as a market, and could cause greater loss of jobs if passed. Vote 14-0.

Rep. Bridle moved recommit to committee.

Adopted.

Recommitted to Labor, Industrial and Rehabilitative Services.

HB 81, allowing municipalities to grant 2 veterans' tax credits in a single household. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G Stohl for Municipal and County Government: This bill was an attempt to expand the veteran's credit against property taxes to an additional qualifying person residing in the same

household. The committee heard testimony as to the complexities involved in attempting to administer this tax credit. Some of the difficulties that the committee heard ranged from documenting residency in the household to researching whether or not the additional person's name was actually on the deed that was recorded at the county registry of deeds. Although the intent of the sponsors is admirable, the committee feels that this bill would create more problems than value. There was testimony that this bill would apply to very limited, if any, current situations. Vote 15-0. Rep. Hawkins spoke against.

Rep. Dickinson spoke against and yielded to questions.

Reps. Gillick and Stohl spoke in favor.

Rep. Hawkins requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 200 NAYS 102

YEAS 200

BELKNAP

Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Millham, Alida	Rosen, Ralph	Russell, David	Thomas, John
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Knox, J David
Martin, James	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiets, Peter
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Pratt, John	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna			

COOS

Merrick, Scott	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Holl, John Jr			

GRAFTON

Alger, John	Almy, Susan	Andersen, Gene	Barker, Robert
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	McLeod, Martha	Mirski, Paul
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Ward, John			

HILLSBOROUGH

Balboni, Michael	Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Campbell, David	Carlson, Donald	Carter, Mark
Chabot, Robert	Chase, Claudia	Christiansen, Lars	Clemons, Jane
Cote, Peter	Craig, James	Desmarais, Vivian	DeVries, Betsi
Drisko, Richard	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Golding, William	Hall, Betty	Harvey, Suzanne
Hirschmann, Keith	Hunter, Bruce	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Matarazzo, Anthony Sr
Movsesian, Lori	O'Connell, Timothy	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rosenwald, Cindy	Schulze, Joan
Slocum, Lee	Smith, David	Souza, Kathleen	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, Robert		

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	Danforth, James
DeJoie, John	DeStefano, Stephen	French, Barbara	Gile, Mary

Hager, Elizabeth
Klose, John
Maxfield, Roy
Wallner, Mary Jane
Yeaton, Charles

Hamm, Christine
Langlais, Thomas
Oliver, James
Walz, Mary Beth

Hess, David
Lockwood, Priscilla
Osborne, Jessie
Whiting, Herbert

Kidder, David
MacKay, James
Potter, Frances
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Charron, Gene
Flockhart, Eileen
Gillick, Thomas
Ingram, Russell
Langley, Jane
O'Neil, Michael
Robertson, Carl
Stone, Joseph
Winchell, George

Belanger, Ronald
Cady, Harriet
Coburn, James
Francoeur, Sheila
Gould, Kenneth
Johnson, Robert
Mason, April
Parker, Benjamin
Sanders, Elisabeth
Welch, David
Zolla, William

Bettencourt, David
Carson, Sharon
Dowd, John
Garrity, James
Griffin, Mary
Johnson, Rogers
McMahon, Charles
Priestley, Anne
Smith, Paul
Wells, Roger

Bicknell, Elbert
Casey, Kimberley
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Kobel, Rudolph
Moody, Marcia
Putnam, Ed II
Stiles, Nancy
Wiley, Robert

STRAFFORD

Callaghan, Frank
Dunlap, Patricia
Kaen, Naida
Smith, Marjorie

Campbell, W Packy
Grassie, Anne
Knowles, William
Snyder, Clair

Creteau, Irene
Hilliard, Dana
Newton, Clifford
Taylor, Kathleen

Domingo, Baldwin
Johnson, Nancy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Prichard, Stephen

Gale, Harry
Rodeschin, Beverly

NAYS 102

BELKNAP

Morrison, Gail

Pilliod, James

Tilton, Franklin

CARROLL

Babson, David Jr

Buco, Thomas

Dickinson, Howard

McConkey, Mark

CHESHIRE

Hogancamp, Deborah

Hunt, John

Richardson, Barbara

Weed, Charles

COOS

King, Frederick

Remick, William

GRAFTON

Benn, Bernard
Williams, Burton

Gionet, Edmond

Ham, Bonnie

Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Carew, James
Dyer, Donald
Gibson, John
Goyette, Peter Jr
Hellwig, Steve
Lefebvre, Roland
Mooney, Maureen
Rowe, Robert
Wheeler, James

Allan, Nelson
Cote, David
Egbers, Fran
Goley, Jeffrey
Graham, John
Hinkle, Peyton
McRae, Karen
O'Brien, William
Ryder, Donald

Barry, J Gail
Daniuk, Caitlin
Elliott, Nancy
Gonzalez, Carlos
Hansen, Ryan
Holden, Randolph
Mead, Robert
Ober, Lynne
Stepanek, Stephen

Brassard, Paul
Dokmo, Cynthia
Francoeur, Bea
Gorman, Mary
Hawkins, Ken
Jasper, Shawn
Messier, Irene
Pappas, Christopher
Ulery, Jordan

MERRIMACK

Anderson, Eric	Currier, David	Field, William	Kennedy, Richard
Marple, Richard	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Soltani, Tony	Tupper, Frank		

ROCKINGHAM

Allen, Mary	Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell
Camm, Kevin	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dumaine, Dudley	Forsing, Robert	Headd, James	Introne, Robert
Katsakiores, George	Katsakiores, Phyllis	Major, Norman	Morris, Richard
Nowe, Ronald	Quandt, Marshall Lee	Quandt, Matthew	Splaine, James
Waterhouse, Kevin	Weare, E Albert		

STRAFFORD

Berube, Roger	Brown, Jennifer	Cataldo, Sam	Chaplin, Duncan
Cilley, Jacalyn	Easson, Timothy	Goodwin, Earle	Heon, Richard
Hofemann, Roland	Keans, Sandra	Rollo, Michael	

SULLIVAN

Converse, Larry	Donovan, Thomas	Irish, Christopher	Phinizy, James
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and the committee report was adopted.

HB 414, relative to regulation of municipal waste combustors. OUGHT TO PASS WITH AMENDMENT

Rep. Lee G. Slocum for Science, Technology and Energy: This bill changes the environmental operating requirements for small incinerators so that they are the same as large incinerators, that is, the constraints on what can be emitted in the way of toxic chemicals are made more severe. The effective date for the bill is January 1, 2006 which leaves sufficient time for the only incinerator affected to be upgraded. This is a significant improvement for the residents of the Claremont region and they should be quite happy about it. Vote 15-0.

Amendment (0406h)

Amend the introductory paragraph of RSA 125-C:10-a as inserted by section 1 of the bill by replacing it with the following:

Any municipal waste combustor, as defined in RSA 125-M:2, XI, with a design capacity of at least 35 tons per day but no more than 250 tons per day of municipal solid waste, as defined in RSA 125-M:2, X, shall be limited to the following levels of emissions, unless otherwise provided for by a more stringent federal regulation, or by other state statute:

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2006.

Adopted.

Rep. Phinizy spoke against.

Rep. Slocum spoke in favor.

Committee report adopted and ordered to third reading.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 23, 2005. Adopted.

LATE SESSION**Third reading and final passage**

HB 61, extending the family law task force.

HB 223, relative to the procedure for assignment of juvenile probation and parole officers.

HB 280, relative to the manner of service in divorce and child custody proceedings.

HB 456-FN, relative to inhaling toxic vapors.

HB 303-FN, relative to the fire standards and training commission.

HB 382, establishing a committee to develop a strategic capital plan for department of corrections' facilities.

HB 443, relative to the statute of limitations for fire code violations.

HB 692-FN-L, relative to the county department of corrections.

HB 308, relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education.

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission.

HB 483, relative to instructions to be placed on the general election ballot.

HB 353, relative to consent to haul lobster and crab gear of license holders.

HB 444, relative to the surrender and condemnation of game animals to the fish and game department.

HB 445, relative to the taking of certain game birds and fur-bearing animals.

HB 446, relative to applications for resident hunting or fishing licenses.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities.

HB 697-FN, establishing a commission to study medicaid reimbursement rates for pharmacy providers.

HB 288-FN, establishing a commission to effect the process for the town of Killington, Vermont to become part of the state of New Hampshire.

HB 512, establishing a commission to study property tax relief and reverse mortgages.

HB 157, establishing a commission to study procurement methods for public works projects by state and local government agencies.

HB 340, renaming Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg.

HB 540-FN, relative to the disposal of real property purchased with highway or turnpike funds.

HB 279, relative to the classification of Spofford Lake in Chesterfield, New Hampshire.

HB 185, establishing a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3.

HB 568, establishing the greater Derry-Salem cooperative alliance for regional transportation.

HB 462, prohibiting road toll refunds for idling time.

HB 450-FN-A extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor.

HB 339, relative to electioneering at polling places.

HB 604-FN, discontinuing the use of tokens.

HB 625-FN-L, authorizing borrowing from the state revolving loan fund for the Winnepesaukee river basin project

HB 574-FN, requiring the reporting of burn injuries

HB 252, requiring bail hearings for persons arrested for probation violations.

SB 39, relative to disinterment of dead bodies.

HB 414, relative to regulation of municipal waste combustors.

UNANIMOUS CONSENT

Reps. Cady, Patten and Theberge addressed the House.

INTRODUCTION OF GUESTS

A delegation from Albania sponsored by the World Affairs Council and the United States State Department, guests of the House.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages only.

Adopted.

The House recessed at 2:35 p.m.

RECESS

(Rep. Jasper in the Chair)**RESOLUTION**

Rep. Franklin offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 5, 18, 40, 58, 63, 66, 70, 72, 77, 78, 99, 104, 117, 140, 150, 152, 172, 192, 211, 219 and 222, Senate Concurrent Resolution 4, Senate Joint Resolution 2, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS, SCR and SJR**First, second reading and referral**

SB 5, establishing a commission to study the state park system. (Resources, Recreation and Development)

SB 18, relative to sales of tickets for pure lotteries by those not employed by the lottery commission. (Ways and Means)

SB 40, permitting special school district meetings to be held in conjunction with the biennial election in certain school districts. (Education)

SB 58-FN, making certain changes in the workers' compensation law. (Labor, Industrial and Rehabilitative Services)

SB 63-FN-A, establishing a court mediation fund to pay the costs of a mediation program in the district courts. (Judiciary)

SB 66, establishing a committee to study the creation of a northern New England purchasing alliance for small business health insurance. (Commerce)

SB 70, relative to the powers of special corporations. (Executive Departments and Administration)

SB 72, relative to the licensing of public adjusters. (Executive Departments and Administration)

SB 77, relative to the review of proposed health care provider contracts. (Commerce)

SB 78, relative to payment of health care providers by health carriers. (Commerce)

SB 99-FN, relative to the penalty for failure to file a property inventory form. (Municipal and County Government)

SB 104-FN, relative to the tax exemption for water and air pollution control facilities. (Municipal and County Government)

SB 117-FN, relative to utility property tax appeals. (Municipal and County Government)

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas. (Environment and Agriculture)

SB 150-FN, relative to application fees for certain bank incorporations. (Commerce)

SB 152-FN, relative to audits by the department of revenue administration of enhanced 911 charges and relative to the confidentiality of information collected by the department of safety regarding the surcharge for the enhanced 911 system. (Science, Technology and Energy)

SB 172, establishing a committee to study a medical fee schedule for workers' compensation. (Labor, Industrial and Rehabilitative Services)

SB 192, relative to service in a war or conflict qualifying for the veterans' tax credit. (Municipal and County Government)

SB 211-FN, relative to pharmaceutical marketers. (Commerce)

SB 219-FN, relative to examinations under workers' compensation. (Labor, Industrial and Rehabilitative Services)

SB 222-FN, relative to cumulative trauma under workers' compensation. (Labor, Industrial and Rehabilitative Services)

SCR 4, supporting federal funding for Lyme disease research. (Health, Human Services and Elderly Affairs)

SJR 2, urging Congress to reject the Streamlined Sales Tax Project. (State-Federal Relations and Veterans Affairs)

RECESS**COMMITTEE ASSIGNMENT****(Speaker Scamman in the Chair)**

Rep. Kenneth L. Weyler on Finance.

RECESS

(Rep. Easson in the Chair)

RESOLUTION

Rep. Carter offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 25 and 722, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 25-FN-A, making appropriations for capital improvements. (Chandler, Carr 1: Public Works and Highways)

HB 722, relative to the spreading of biosolids in certain designated areas. (Babson, Carr 3: Environment and Agriculture)

RECESS

(Deputy Speaker Weyler in the Chair)

RESOLUTION

Rep. Craig offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007. (King, Coos 1: Finance)

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neal moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 9

Wednesday, March 23, 2005

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain Reverend Karen Maleri, Director of Pastoral Care, Heritage Heights in Concord.

O precious God of many names and faces, as we struggle against the weight of doubt lead us to the altar of confidence that we may find community wellness gathered there amidst our own agendas and sense of success.

As we confront the sting of failure, lead us to the altar of Your unfailing love that we may kneel and call out beyond ourselves for guidance and that sense of WE, not I; and as we struggle against the reproach of complacency, lead us to the altar of humility that we may find faith, grace, success and confidence as the prevailing commandments for us to follow as we live and serve the state of New Hampshire. Shalom. Amen. And blessed be.

Rep. Mary Stuart Gile led the Pledge of Allegiance.

The National Anthem was sung by Elizabeth Potter, accompanied by violinist, Amanda Laprise, students from Manchester West High School.

COMMUNICATION

March 23, 2005

Karen Wadsworth, Clerk of the House

Please be advised that the following representatives-elect were sworn into office by the Governor and Council on this day:

Strafford County District No. 3, Lawrence Brown, d, Milton (1362 White Mountain Highway) 03851

Sullivan County District No. 4, Philip Osgood, r, Claremont (19 Whitcomb Lane) 03743

William M. Gardner, Secretary of State

LEAVES OF ABSENCE

Reps. Mary Allen, Carolyn Brown, Langley, Palangas, Palazzo and Philbrick, the day, illness.

Reps. Bicknell, William Chase, Grassie, Hagan, Hall, Hollinger, Lawrence, Mirski, Mitchell, Price, Reed and Rosenwald, the day, important business.

Rep. Mark Clark, the day, illness in the family.

Rep. Kennedy, the day, death in the family.

INTRODUCTION OF GUESTS

Sydni, Michael, Ashley, Franklin and Katelin Garrity, wife and children of Rep. James M. Garrity. Morgan Baumann, granddaughter of Rep. Barry. Roger Goode, guest of Rep. Essex. Susan Foster Brown, guest of Rep. Larry Brown.

INTRODUCTION OF SPECIAL GUESTS

Members of the New Hampshire Association of the National Honor Society who recently were awarded the 2004 Ardis Kyker Service Award for their work in providing 50,000 books for "America Reads" program, providing emergency 911 cellular phone access to the elderly, and the contribution of formal dresses for the Cinderella Project. Courtney Chisholm, Andrew Czyzowski, Jake Dembow, Kaity Funk, Maureen Kenney, Cindy Lambert, Amanda Laprise, Lindsey Levesque, Isaak Poirer, Jr., Elizabeth Potter, Alexa Rogers, Kristen Sapowicz, President Melissa Kohari, and advisor, James P. McGeough, were guests of the House.

MEMORIAL REMARKS

Rep. O'Neil moved that the remarks of Rep. Patten be printed in the Permanent Journal. Adopted.

Rep. Patten: Thank you, Mr. Speaker. Today I rise to give you in loving memory, Earle W. Chandler. Earle was born at the Chandler farm in Bartlett, New Hampshire, on September 6, 1913, the son of Walter and Helen Archibald Chandler. Earle died in New London, New Hampshire, on March 12, 2005. Earle was community spirited and devoted 12 years to the town of Bartlett and later 27 years to the town of Wilmot as selectman. His father and grandfather served as selectmen in previous years. He also served in the New Hampshire House as representative from Bartlett in 1955-1961, as Majority Leader and Chairman of the Ways and Means Committee, and later served four terms from Wilmot on the Finance Committee.

I was honored to serve with Representative Earle Chandler. As a rookie that has grown to love and honor the House of Representatives, I watched Rep. Chandler being assisted by our former Mr. Speaker, Gene Chandler. I saw the caring that the Chandler family had for each other, but higher than that for the tradition of New Hampshire, for their family, for their constituents, for their House and then for themselves.

It is with sadness that we say goodbye to Representative Earle Chandler and for me, I want to give you a large, warm hug for what he gave and what he taught to us. God bless you, Representative Chandler.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 38, relative to credit card theft, removed by Rep. Welch.

HB 636-FN, requiring the electronic recording of statements by persons subject to custodial interrogation, removed by Rep. Timothy Robertson.

HB 151, requiring school districts to develop a school age nutrition and physical activity committee, removed by Rep. Boehm.

CACR 19, relating to representation in cities and towns whose population is equal to, or greater than, the minimum number of persons per house district. Providing that a city or town shall have at least one representative from the city or town if its population is equal to or greater than the apportionment figure for house districts, removed by Rep. Vaillancourt.

HB 521, relative to medical insurance coverage for members of the Manchester employees' contributory retirement system, removed by Rep. Infantine.

CACR 1, relating to taxation. Providing that the maximum increase in any budget bill in the state or its political subdivisions shall be limited by the rates of inflation and population growth unless overridden, removed by Rep. Camm.

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds, removed by Rep. Kurk.

HB 679-FN-L, authorizing the electronic enforcement of traffic signal violations, removed by Rep. Kurk.

HB 601-FN, allowing businesses to apply the investment tax credit to contributions made to scholarship funding organizations, removed by Rep. Slocum.

HB 613-FN, exempting prepared take-out food items sold in supermarkets from the meals and rooms tax, removed by Rep. Field.

Consent Calendar adopted.

HB 138-FN, requiring medical examiners to inventory and account for property taken from decedents. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill establishes a requirement requiring the state medical examiner to inventory and account for any property taken from a decedent and to provide a copy of the inventory to the next of kin. No one appeared in opposition to this bill and at the subcommittee meeting the state medical examiner and a representative of the Attorney General's office appeared and agreed that the bill would codify a procedure already being developed and implemented by the medical examiner's office. Vote 16-1.

HB 228-FN, prohibiting cellular telephone directories in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee felt that the federal laws that are in place now would take care of any problems that might occur in the future.

The directory that the cell phone companies plan to put in place will not be a phone book. The only way you can get a cell phone number is through the 411 number which costs the person who asks for the number. The only way you can have your cell phone number listed is by you asking to have your number listed. Vote 13-4.

HB 332, relative to harassment by telephone. OUGHT TO PASS

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: Following testimony by the Attorney General's office and NH Chapter of the ACLU, the committee felt a minor modification to the current telephone harassment law was in order. The current law was effectively nullified by a recent Supreme Court decision as lacking specificity regarding the purpose of a call made by a "harasser." The new wording requires that telephonic communication be for a "legitimate communicative purpose." The intent of the language was to prohibit hang-up type calls, threatening calls, heavy breathing into the phone, anonymous vague threats and the like, but to allow personal, professional and business telephone calls, regardless of source. The Attorney General's office assisted in crafting the language of the bill. Vote 14-0.

HB 372, relative to notification of interested parties in medical parole cases. OUGHT TO PASS

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: The committee listened to the data relative to rapid humanitarian medical parole. This bill establishes requirements for notifying interested parties of a medical parole hearing and release. The process saves money and transfers medical costs to private insurance where appropriate. Vote 14-2.

HB 379, establishing a committee to study funding for the multiple offender program. INEXPEDIENT TO LEGISLATE

Rep. Lee M. Hammond for Criminal Justice and Public Safety: The Multiple Offender Program (MOP) is currently functioning and is highly endorsed by the committee. It is funded by participant fees with waivers granted for those unable to pay. The program should be continued and funded as per current procedure. There is no need to establish a committee to study its funding. Vote 16-0.

HB 475, relative to access to certain criminal records. INEXPEDIENT TO LEGISLATE

Rep. Maurice Villeneuve for Criminal Justice and Public Safety: This bill would allow any person hired by an attorney for the defense in any criminal case access to any and all criminal records and current addresses of any person who is a defendant, complainant or potential witness in the case. This bill clearly is a violation of privacy issue and could lead to unforeseen problems. Vote 15-1.

HB 497, relative to stolen checks. INEXPEDIENT TO LEGISLATE

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill is very similar to HB 38 which was voted OTP by this committee. The language in HB 38 satisfies the intent of the sponsor of HB 497. Vote 14-0.

HB 498, establishing a study committee relative to the sale of fire-safe cigarettes. OUGHT TO PASS WITH AMENDMENT

Rep. E. Albert Weare for Criminal Justice and Public Safety: The use of fire-safe cigarettes has been shown by national fire prevention organizations to greatly reduce the loss of life and property damage by fires due to the improper disposal of cigarettes. This bill will establish a study committee to develop the standards for fire-safe cigarettes to be sold in New Hampshire. The study will examine the feasibility, regulatory, and enforcement mechanisms for the state to require the sale of fire-safe cigarettes. The amendment extends the reporting requirement to November 1, 2006. The outcome of HB 645 that was recently passed by the House is unknown at this time, but the sale and use of fire-safe cigarettes is already known to be a big deterrent in saving lives and protecting property from loss by fire caused by the improper disposal of smoking material and therefore should be explored to its fullest extent. Vote 15-0.

Amendment (0579h)

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

HB 526, relative to temporary hearings on domestic violence petitions. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would provide that a temporary hearing on a domestic violence petition shall not serve as the final hearing. The language of the bill says, "The court shall hear the matter de novo and shall not be bound by any prior findings, or determinations made in granting temporary relief under RSA 173-B:4." The current statute already creates a de novo hearing and is separate and distinct from the temporary relief that is granted under RSA 173-B:4. This bill is unnecessary. Vote 16-0.

HB 609-FN, establishing the protection of liberty act. **INEXPEDIENT TO LEGISLATE**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: This bill would establish the protection of liberty act. The bill replicates HB 1385 from 2004 which was voted Inexpedient to Legislate. The assistant commissioner of safety and the Assistant Attorney General testified in opposition. The bill presents significant constitutional problems. It criminalizes acts undertaken by law enforcement officials and it appears to do away with the legal concept of absolute or qualified immunity for acts undertaken by a government official in good faith belief of their legality. For these reasons, the committee unanimously found the bill Inexpedient to Legislate. Vote 13-0.

HB 620-FN, relative to the accountability of public officials and interference with constitutional and legal rights. **INEXPEDIENT TO LEGISLATE**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The sponsors of this bill have identified a very real problem. Too often, public officials, be they elected or appointed, are unresponsive to the needs of their constituents. Such indifference reflects poorly on all of us in the public arena. Unfortunately, this legislation uses "overkill" to solve the problem. Under this bill, public officials who fail to respond to a poorly-defined "affidavit" within 30 days would be subject to criminal prosecution and removal from office. It is easy to foresee a situation where a band of disgruntled individuals bring government to a screeching halt by burying an official with a blizzard of affidavits. The folks who volunteer their time as members of the local planning board, conservation commission, or library board of trustees should not be subject to such abuse. In addition, this bill makes reference to "violations of criminal and legal rights," yet leaves such rights largely undefined. To impose criminal penalties when the public can not determine the letter of the law is not only unconscionable, it is unconstitutional. The committee hopes that the sponsors will revisit this issue in a different manner in the future and looks forward to crafting a reasonable and constitutional solution to a very real problem. Vote 16-0.

HB 628-FN, relative to the authority of law enforcement officers to close an area for the purpose of abating a threat to public health or safety. **OUGHT TO PASS**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill was introduced at the request of the Attorney General's office. This bill would allow a peace officer who has grounds to believe that a serious threat to the public health or safety is created by a flood, storm, fire, earthquake, explosion, imminent riot, ongoing criminal activity that poses a risk of bodily injury, or other disaster to close the area where the threat exists and the adjacent area necessary to control the threat, or to prevent its spread, for the duration of the threat, until related law enforcement operations are complete. Vote 10-4.

HB 696-FN, relative to enhanced penalties for crimes against the elderly and persons with disabilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: The amendment approved by the committee replaced the entire bill and adds a new paragraph (L) to RSA 651:6 (extended term of imprisonment) to protect the elderly and those persons who have a physical or mental condition that impairs the victim's ability to manage his/her property or financial resources, or to protect his/her rights or interests. Vote 14-0.

Amendment (0658h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to enhanced penalties for certain crimes against the elderly and persons with disabilities.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Enhanced Penalties for Certain Crimes Against the Elderly or Persons With Disabilities. Amend RSA 651:6, I by inserting after subparagraph (k) the following new subparagraph:

(l) Has committed or attempted to commit any of the crimes defined in RSA 637 or RSA 638 against a victim who is 65 years of age or older or who has a physical or mental condition that impairs the victim's ability to manage his or her property or financial resources or to protect his or her rights or interests.

AMENDED ANALYSIS

This bill imposes enhanced penalties for certain crimes against the elderly and persons with disabilities.

HB 129-FN-L, establishing a high performance school incentive. **OUGHT TO PASS**

Rep. Deanna P. Rush for Education: This bill establishes an incentive for towns to build environmentally sound, quality schools. A high performance building is healthy and productive for students and teachers. It provides high levels of acoustic, thermal, and visual comfort and also has superior air quality. These buildings are cost effective to operate and maintain. The bill overwhelmingly passed the Education Committee, the Finance Committee, and the New Hampshire House last year, but was killed in the Senate. Vote 11-3.

HB 351, relative to the time for counting absentee ballots. **OUGHT TO PASS WITH AMENDMENT**
Rep. Michael D. Whalley for Election Law: This bill, as amended, would change the time from 1:00 P.M. to 11:00 A.M. on the day of the election as the time when the processing of absentee ballots may begin. This change would provide more time for the processing of absentee ballots and would be consistent throughout the state. Vote 14-2.

Amendment (0653h)

Amend the bill by replacing section 1 with the following:

1 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin at ~~[1:00 p.m.]~~ **11:00 a.m.** The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time during the processing of such ballots. Absentee ballots which are received after ~~[1:00 p.m.]~~ **11:00 a.m.** and prior to 5:00 p.m. shall be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the closing of the polls.

II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than ~~[1:00 p.m.]~~ **11:00 a.m.**, the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.

AMENDED ANALYSIS

This bill changes the time for beginning the processing of absentee ballots from 1:00 p.m. to 11:00 a.m.

HB 362, relative to statutes to be posted at polling places. **OUGHT TO PASS**

Rep. Thomas J. Langlais for Election Law: This bill modifies the list of statutes that must be posted outside the guardrail in the polling places that define the laws more pertinent to the voting process. This bill adds existing statutes and further defines and clarifies laws already in place. These statutes shall be posted at each polling place. This bill removes statutes which address rights not typically exercised at the polls on election day and adds statutes which do address election day polling place activity. This bill is supported by the secretary of state and attorney general. Vote 15-1.

HB 195, establishing a committee to study the department of insurance and whether it should be combined with any other agency. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill establishes a study committee for consideration of changes to the insurance department. The committee heard testimony on the need to improve responsiveness to consumer complaints and the need to improve inter-department communications with other financial departments. The committee amendment names membership from the Commerce and Executive Departments and Administration Committees as well as two others appointed by the speaker of the house and three appointed by the senate president. Vote 16-0.

Amendment (0467h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the department of insurance.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the department of insurance.

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

(a) Four members of the house of representatives, one of whom shall be from the house executive departments and administration committee and one of whom shall be from the house commerce committee, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the department of insurance, including whether it should be combined with any other agency, consumer issues, and efficiency of operation.

AMENDED ANALYSIS

This bill establishes a committee to study the department of insurance, including whether it should be combined with any other agency.

HB 335, relative to the review of final proposed rules by the joint legislative committee on administrative rules. **INEXPEDIENT TO LEGISLATE**

Rep. Pamela V. Manney for Executive Departments and Administration: This committee has a more comprehensive bill that includes this area of concern. Therefore, it was the decision of the committee that it would be prudent to combine both bills into one. Vote 13-0.

HB 388, establishing a commission to study the retirement system medical benefits subsidy for retired teachers. **INEXPEDIENT TO LEGISLATE**

Rep. Francis B. Sullivan for Executive Departments and Administration: It is the feeling of the committee that the intent of this bill is redundant to HB 181 which was passed unanimously by this committee and by the house on the consent calendar. It is believed that HB 181, establishing a committee to study the special account in the New Hampshire Retirement System, will pass the senate and be signed by the Governor and as a result, resolve all of the issues in this bill. Vote 17-1.

HB 415, excepting installation of fuel gas equipment from regulation by the electrician's board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This bill will allow heating technicians to install and hook up the wires to a heating system. Current law allows them to do this for fuel oil, not for other forms of energy such as natural gas, propane, methane, etc. This bill will now legalize what many technicians have been doing. Vote 18-0.

Amendment (0678h)

Amend the title of the bill by replacing it with the following:

AN ACT excepting installation of heating equipment from regulation by the electrician's board.

Amend the bill by replacing section 1 with the following:

1 Electricians; Exception Added. Amend RSA 319-C:3, IX to read as follows:

IX. Installation of ~~[fuel oil]~~ **heating** equipment and controls connected thereto.

AMENDED ANALYSIS

This bill adds heating equipment installation to the exceptions to the regulatory authority of the electrician's board.

HB 499, relative to participation in and administration of the Manchester employees' contributory retirement system. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: In that the Manchester retirement system was authorized by the state legislature all changes thereto must also be approved by the state legislature. This bill was presented to the committee as a housekeeping bill to rectify some areas of the Manchester system and was presented by it's director as such with no additional expense to the city. Vote 16-0.

HB 546, relative to the status of the board of trustees of the retirement system. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill provides that the board of trustees has the powers, privileges, and immunity of a corporation in managing the re-

tirement system. This bill would alleviate the need for the retirement system to purchase insurance for the board's trustees presently costing \$125,000.00 per year for 13 million in liability protection for individual members should the board of trustees be penetrated by litigation and involve the individual members. This protection was originally in the trust documents and was omitted by mistake when they were re-written several years ago. Vote 14-0.

HB 552, proclaiming March as New Hampshire Irish American Month. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia M. McMahon for Executive Departments and Administration: Consistent with prior deliberations, the committee believes that while the contribution of the Irish to our state have been numerous, meritorious and renowned, this legislation is not recommended and cannot enhance the admirable accomplishments that are duly acknowledged and appreciated by the populace. Vote 19-1.

HB 582, relative to the policy for records management. **OUGHT TO PASS**

Rep. James B. Coburn for Executive Departments and Administration: This bill specifies that the state record management program is intended, in part, to promote integrity in the day to day record keeping activities of state and local government. The committee discussed the definition of integrity as being the accuracy and reliability of the archive process and that adding the word integrity provided support for the archive department to properly fulfill its mission. Vote 17-2.

HB 596-FN, relative to the salary of the state veterinarian. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: The committee heard testimony that the state veterinarian is retiring and that the salary currently being paid could be an impediment to hiring a replacement. We were asked to change the salary group range so that the new state veterinarian could move from group FF step 5 to group II step 5 which would result in a salary increase of 24.7%. There is currently a pay schedule for all positions in all state agencies that was derived from the Hay Study. This study looked at every job description and recommended a classification level. It also allowed for a review of the position if the duties changed. We felt that this change should go through the Hay Study review to see if the job description has changed enough to warrant the change in classification. Vote 15-0.

HB 647-FN, relative to restructuring the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT**

Rep. James M. Fitzgerald for Executive Departments and Administration: This bill is the result of a summer study of the Department of Revenue Administration. The bill makes technical corrections, creates a central tax service unit and reorganizes the Department of Revenue Administration into two former operating divisions: the Division of Property Appraisal and the Municipal Services Division. This bill also deletes the Community Services Division which was created in 2001 to handle the certification of all the municipalities' assessments. The legislature changed the certification process into a review process so continuing a new division was not necessary. These changes will better serve the taxpayers and municipalities and will enhance the internal control and efficiency of the department and will save the state money. Vote 14-1.

Amendment (0680h)

Amend RSA 21-J:6-c as inserted by section 3 of the bill by replacing it with the following:

21-J:6-c Central Tax Services Unit. There is hereby established within the department of revenue administration a central tax services unit, under the supervision of an unclassified taxpayer advocate who shall be responsible for the following functions, in accordance with applicable laws:

I. Providing general assistance to the public for all taxes administered by the department.

II. Internal control of all tax receivables for the department.

III. Taxpayer advocacy.

HB 652-FN, relative to the retirement system classification for the director of juvenile justice services, department of health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: The present classification for this position is Group I. This bill asks that it be redefined so that Group II personnel could serve in the position without giving up the individual's current Group II standing. The committee felt that as a Group I position, it should be manned by Group I personnel. Vote 13-0.

HJR 2, declaring February 12 to be Thaddeus Andrzej Bonawentura Kosciuszko day. **INEXPEDIENT TO LEGISLATE**

Rep. Anne-Marie Irwin for Executive Departments and Administration: The sponsor presented a compelling history of the contributions of Thaddeus Andrzej Bonawentura Kosciuszko. Presently, in Manchester, a monument, park and street exist to honor this Polish Revolutionary War hero. The committee, while respectful of the contributions of all ethnic groups, decided not to put in statute this commemoration. Vote 13-0.

HB 306, relative to mandatory education for crossbow hunters. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Fish and Game: This bill as amended requires all applicants for a crossbow hunting permit to have successfully completed a crossbow or archery safety course before receiving such a permit. The amendment simply clarifies the wording and intent of the legislation. Vote 10-0.

Amendment (0277h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Crossbow Permit; Education. Amend RSA 214:23-a by inserting after paragraph II the following new paragraph:

II-a. Except as provided in RSA 207:10-c, no permit for hunting by crossbow shall be issued to any resident or nonresident person unless the applicant presents to the agent authorized to issue such permit either:

(a) A certificate of completion from a specialized crossbow education program in this state, or any other state, province, or country, which is equivalent to the program provided in this state;

(b) Satisfactory proof that the applicant has successfully completed a bowhunter education program in this state, or any other state, province, or country, which is equivalent to the program provided for by this chapter; or

(c) Satisfactory proof that the applicant has previously had a crossbow permit or equivalent, as determined by the executive director, issued in this state, or any other state, province, or country.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill requires a person issued a crossbow permit to have completed a crossbow or bowhunter education program or equivalent.

HB 310, relative to requirements of the fish and game department before a coastal area may be closed to fishing of marine species. **INEXPEDIENT TO LEGISLATE**

Rep. Stephanie Eaton for Fish and Game: Only one third of the sponsors supported this bill in committee. Another sponsor withdrew his support in committee. Last session, the identical bill came before Fish and Game and was voted ITL. Also the Advisory Committee on Marine Fisheries, which has legislative authority to hold hearings on marine species, opposed the bill. They deem this bill "redundant and unnecessary" procedurally. Vote 10-0.

HB 447-FN, relative to black bear license and tag fees. **OUGHT TO PASS**

Rep. Robert R. Barker for Fish and Game: This bill increases the fee for a license and tag to hunt bear under the black bear management program, and clarifies the uses of the funds in the bear management fund. It requires that all money collected by the Fish and Game Department shall be used exclusively for the implementation of a comprehensive black bear management program. The committee heard no opposition to this bill and determined that the fees to hunt black bear, a state resource, should be revised. Vote 11-0.

HB 449-FN, relative to special wild turkey seasons and permits. **OUGHT TO PASS**

Rep. Robert J. Barker for Fish and Game: This bill allows the Executive Director of the Fish and Game Department to establish a special wild turkey hunting season, issue permits and establish a lottery for the permits. All money collected by the Fish and Game Department shall be used exclusively for the implementation of a comprehensive wild turkey management program. The committee determined that the increasingly larger wild turkey population warranted the implementation of a special hunting season. Vote 13-0.

SB 27-FN, relative to an exemption from the annual inspection of health facilities. INEXPEDIENT TO LEGISLATE

Rep. Fran Wendelboe for Health, Human Services and Elderly Affairs: This bill would have exempted certain health care facilities from the state inspection if they were inspected by an independent inspection process done by an industry accreditation entity, such as J.C.A.H.O. (Joint Commission on Accreditation for Health Care Organizations). The committee, however, felt that the language was too broad and left most of the "meat" of the issue to rule making with very little concrete information as to what accreditation groups would be acceptable and with what conditions. While the committee appreciates the intent to have our health care facilities avoid duplicate inspection processes, we felt this needed too much clarification at this time. Vote 19-0.

SB 42, establishing a pharmaceutical study committee to study direct purchasing of prescription medication by the state. INEXPEDIENT TO LEGISLATE

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This was a good bill to study direct purchasing of prescription drugs by the state. The committee was in favor of this type of study committee. After a lengthy discussion on the bill, it was decided to incorporate the substance of this bill into HB 704, which is a like bill that the committee will retain for study in the months ahead. The prime sponsor was agreeable to include SB 42 with the HB 704 study. Vote 18-0.

SB 57, establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties. OUGHT TO PASS WITH AMENDMENT

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee unanimously supported this study relating to the alleviation of medical malpractice premiums. This study will not be duplicative of prior studies as this bill specifically rules out review of "the civil justice system specific to medical malpractice claims." The committee felt that the duties outlined allowed for an in-depth consideration of the role of the insurance industries in the increasing cost of medical malpractice insurance. In addition, emphasis will be placed on high risk specialties, such as neurosurgeons and obstetricians. It is felt that this study is timely considering the current crisis in the delivery of health care services. Vote 19-0.

Amendment (0656h)

Amend paragraph I of section 2 of the bill by inserting after subparagraph (i) the following new subparagraph:

(j) A representative of the New Hampshire chapter of the American College of Obstetricians and Gynecologists (ACOG), appointed by such association.

HB 192, establishing a committee to study medical malpractice. INEXPEDIENT TO LEGISLATE

Rep. Gregory M. Sorg for Judiciary: This bill would establish a joint House and Senate committee to study medical malpractice tort reform efforts that have been enacted in the other states and Canada. Since the public hearing on this bill in January, numerous tort reform bills, together with supporting documentation, have come before the committee, most, if not all of which, will be referred to a subcommittee. The majority of Judiciary believes that the committee has the information necessary to address the issue through the subcommittee, and that creation of a study committee is not necessary. Vote 11-7.

HB 251, relative to the family division of the courts. INEXPEDIENT TO LEGISLATE

Rep. Gregory M. Sorg for Judiciary: This bill would amend RSA 490:33 by specifying that the newly-created family division of the courts shall be a division of the Superior Court, rather than an independent system. The committee preferred to leave the present arrangement in place, whereby the Family and Superior Court are parallel systems both reporting directly to the Supreme Court, rather than having one trial-based court reporting to another trial-based court. The committee's position is supported by both the Supreme Court and the Chief Justice of the Superior Court. Vote 14-3.

HB 267, relative to requests for services other than counsel for indigent defendants. OUGHT TO PASS

Rep. Gregory M. Sorg for Judiciary: This bill would incorporate into RSA 604-A:6 and make uniform in the courts a practice already followed by many judges. Counsel for indigent defendants in criminal cases would be expressly entitled to seek funds for services other than counsel by applying to the court on an ex parte basis; that is, without having to give prior notice to the prosecution. This would protect the secrecy of defense strategy and focus, thereby placing indigent defendants on the same footing as defendants able to use their own funds for investigative and other purposes. Vote 17-0.

HB 421, establishing a committee to study effective dates on legislation. OUGHT TO PASS WITH AMENDMENT

Rep. Paul C. Smith for Legislative Administration: This bill attempted to fix the problem of effective date changes by legislators with regard to LSR's. This left the Office of Legislative Services in a difficult position in dealing with legislators who sought changes in the effective dates without consulting RSA 14:9-a. The committee amendment clarified that any changes in any effective date has to be done through amendment. Vote 10-0.

Amendment (0475h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to effective dates.

Amend the bill by replacing all after the enacting clause with the following:

1 Effective Dates. RSA 14:9-a is repealed and reenacted to read as follows:

14:9-a Effective Dates.

I. Except as provided in paragraphs II and III, each law passed by the general court shall take effect 60 calendar days following passage, excluding the date on which it is signed by the governor, or the last date on which the general court acts on the matter, as the case may be.

II. The office of legislative services shall include a section in each bill drafted for introduction specifying the act's effective date, if passed. The effective date section shall indicate either that the law shall take effect 60 days after the bill's passage or that the law shall take effect according to one of the following exceptions to the 60-day requirement:

(a) If the law is a resolution, it shall take effect upon its passage.

(b) Each law affecting judicial practice and procedure, or establishing or eliminating criminal prohibitions, civil causes of action or remedies, or limitations of actions, shall take effect on the January 1 following passage.

(c) Each law affecting local property taxes shall take effect on the April 1 following passage.

(d) Each law affecting state tax laws and statutory fees shall take effect on the July 1 following passage.

(e) If the law affects only one particular person, town, city, or political subdivision, it shall take effect upon its passage.

(f) Each law making appropriations shall take effect on the July 1 following passage.

(g) Each law establishing a legislative committee shall take effect upon its passage.

(h) A law may be repealed in the bill enacting the law, with the repeal taking effect at a prospective date specified in the bill.

III. The general court may amend the effective date section of a bill to indicate that a law shall take effect when specified in the amendment.

IV. Unless specifically provided otherwise, each law enacted by the general court shall take effect at midnight, 12:00 a.m., on the date the law becomes effective.

V. The secretary of state shall record the date each law was enacted and its effective date on all enrolled and printed copies of such law, and such record shall be conclusive.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies the applicability of the effective date statute.

HB 141-L, relative to the planning board's authority to limit building permits. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy K. Johnson for Municipal and County Government: There are some perceptions that planning boards may be abusing their power when it comes to limiting the number of building permits that can be issued within a given year in a municipality. This bill clarifies that planning boards cannot arbitrarily limit this number unless it is in accordance with applicable statutes such as emergency zoning, interim zoning and growth management ordinances. This bill does not change the powers of planning boards; rather it clarifies what is already illegal. Vote 15-0.

Amendment (0347h)

Amend the bill by replacing section I with the following:

1 New Paragraph; Power to Regulate Subdivisions; Building Permit Limits Restricted. Amend RSA 674:35 by inserting after paragraph II the following new paragraph:

III. The planning board shall not limit the number of building permits that may be issued except in accordance with an innovative land use control ordinance addressing timing incentives and phased development under RSA 674:21 and adopted under RSA 674:16; or an ordinance to regulate and control the timing of development, adopted under RSA 674:22; or an ordinance to regulate growth via interim regulation, adopted under RSA 674:23. This paragraph shall not be construed to limit the planning board's authority to deny a subdivision application on the basis that it is scattered or premature.

AMENDED ANALYSIS

This bill prohibits a planning board from limiting the number of building permits issued unless the town has adopted certain growth management ordinances.

HB 230-L, relative to default budgets. OUGHT TO PASS WITH AMENDMENT

Rep. Paul R. Hopfgarten for Municipal and County Government: This bill as amended provides clarity as to what costs can be included in the default budget in so-called "SB-2" (RSA 40:13) towns and school districts. This bill seeks to strike a balance by defining continuing costs that must be funded as opposed to those costs desired to be added by the town school district but not voted on by the legislative body. It is hoped by the committee that this amendment will mitigate the contentious nature involved in attempting to determine default budgets. Vote 16-0.

Amendment (0396h)

Amend the bill by replacing section 1 with the following:

1 Default Budget; Definition. RSA 40:13, IX(b) is repealed and reenacted to read as follows:

(b) "Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, adjusted by:

- (1) Debt service.
- (2) Obligations required by contracts entered into before the previous year.
- (3) Obligations incurred by approved warrant articles.
- (4) Obligations mandated by law.

(5) One-time expenditures contained in the previous year's operating budget. One-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted by the local political subdivision.

AMENDED ANALYSIS

This bill includes, in the calculation of a default budget amount, obligations incurred by approved warrant articles and contractual obligations made before the previous year.

HB 284, excluding the value of a view from property tax assessments. INEXPEDIENT TO LEGISLATE

Rep. Eric G. Stohl for Municipal and County Government: This bill would prohibit the appraisal of property from using the value of the view from that property. When an assessor places a value on a property, he or she must consider the many types of value that the property has. Some examples of these values may be waterfront, road frontage and terrain. The committee heard testimony on another bill that dealt with the view component as well. HB 245 establishes a committee to study property appraisals of features of land and the view from residential property and unimproved land. The committee feels the best way to address the view issue in this bill would be to roll it into the subject matter of HB 245. Vote 16-0.

HB 338, allowing municipalities to adopt a low income property tax credit. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: This bill sets up a mechanism for the local community to adopt a low income property tax credit by the vote of the legislative body. There are parameters for the income and the percentage amount of tax credit to be received. No resident with an income over \$47,000 would be eligible for the credit and the credit could not exceed \$1,500 in any year. The legislature recodified property tax exemptions, credits and deferrals during the 2003-2004 session and made many changes that need to be dealt with at the local level. It is important to realize that if there is an exemption or credit on one parcel of property in a municipality the difference has to be made up by another taxpayer, which is cost shifting. The local municipalities already have the ability to grant property tax relief that is voted on by their legislative bodies. Vote 18-0.

HB 358, establishing a committee to study the efficacy of the municipal budget committee and cooperative school district budget committee processes. **INEXPEDIENT TO LEGISLATE**
Rep. Eric G. Stohl for Municipal and County Government: RSA 32:14 allows for the adoption of a municipal or school district budget committee and RSA 195:12-a allows for the adoption of a cooperative school district budget committee. All budget committees have the authority and duty to prepare a budget for submission, conduct public hearings with respect to budget preparation, and forward copies of the final budgets to the town or district clerk, commissioner of revenue administration and also to the governing body or bodies. The committee feels that the current budget committee process is effective and can be rescinded by voters if they choose to do so. Vote 17-0.

HB 377, relative to property assessment records posted on the Internet. **INEXPEDIENT TO LEGISLATE**

Rep. John P. Dowd for Municipal and County Government: The committee appreciates the concern of the sponsor for removing personal information from records posted on the internet. As testified by town assessors, there are already suppression mechanisms in place. Having this information readily accessible for elderly and handicapped individuals is important so they can make sure their information on assessment cards is correct. An additional benefit to having information available is less congestion in the assessor offices, freeing up workers and reducing assessing budgets in communities. Vote 13-3.

HB 408, relative to the sale of town-owned land. **OUGHT TO PASS**

Rep. David L. Buhlman for Municipal and County Government: This bill reduces the time between a second public hearing on the sale of town-owned land and the selectmen's vote on the sale from 10 days to 7 days. This is beneficial because the 7 days conforms to the weekly selectmen's meeting. Vote 14-0.

HB 411, relative to the North Conway water precinct. **OUGHT TO PASS**

Rep. Eric G. Stohl for Municipal and County Government: This bill amends chapter law 1905 170:1 as amended by 1987 417:1 by authorizing the North Conway Water Precinct to raise and appropriate money for the establishment of capital reserve and expandable trust funds. This first part of the bill re-affirms the authority previously granted that the voters acting as the legal body politic of the North Conway Water Precinct voted to establish and fund capital reserve trust funds. The second part of the bill simply ratifies the votes and the proceedings of the annual meeting of the North Conway Water Precinct of March 31, 2004. The committee heard testimony that the Commissioners of the North Conway Water Precinct unanimously supported this bill. Vote 16-0.

HB 416, relative to billing for the semi-annual collection of property taxes. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: This bill allows municipalities to choose a percentage for the first tax bill in the semi-annual collection of taxes which is different than the current formula of 1/2 of the previous year's property tax bill in order to even out the semi-annual tax bills. Although the sponsor's intentions with this bill are laudable, the committee felt that there was potential to create confusion on the local level by having to estimate the adjustments for half year tax bills. Vote 15-2.

HB 418, allowing towns with town charters to have wards. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill attempts to do two things. First of all, it proposes to amend RSA 44:4 to allow a town to be able to divide into wards just as a city does. Secondly, it addresses allowing towns with town charters to be able to divide themselves into wards. RSA 44:4 mandates that each ward shall be treated as a town for the purpose of the election of governor, councilor, state senator, representative to the general court, all county officers, senator and representative in congress, and electors of president and vice-president of the United States, and all matters relating to jurors. RSA 44:12 takes the issue a step further by mandating that each ward shall elect three selectmen, a moderator and a clerk and that they shall have the powers, perform the duties, and be subject to the liabilities, of those officers in towns in relation to the warning of meetings, conducting elections, counting and declaring votes, recording the votes, certifying the elections, and all other matters relating to elections. The committee feels the added expense of this expansion of government was unnecessary in any town, whether it is by charter or not. Vote 16-1.

HB 425-FN-L, increasing fees paid to municipalities for registering current model year vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: This bill would increase the motor vehicle registration mil rate by either 20-25% depending on the model year of the motor vehicle. According to the fiscal note, this bill would increase fees for motor vehicle registration by \$20 million each year. The bill limits this increase to "current model year vehicles" in order to single out this segment of the population that can afford to buy new cars. Though the increased revenue was tempting, the committee could not see any compelling reason to change the current fee that our constituents now pay. Vote 16-1.

HB 431-FN-L, requiring run-offs in certain local elections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: The intent of this bill is to provide a mechanism for determining which competing warrant article on the ballot in an official ballot referendum (SB2) town or school district actually prevails. The competing articles could be ones that require a 2/3 or 3/5 percentage vote to pass or some could be ones that require only a simple majority. The bill came to the committee with what we thought was excessive language. With the assistance of the sponsors, we were able to develop a bill that we feel deserves passage. This bill states in the event that there are 2 or more competing articles on the ballot and 2 or more of such articles receive the requisite vote to pass, the article that receives the greatest number of votes shall prevail. Vote 14-0.

Amendment (0478h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to competing articles and official ballot voting.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Competing Articles. Amend RSA 40:13 by inserting after paragraph XVI the following new paragraph:

XVII. In the event that there are 2 or more competing articles on the ballot and 2 or more of such articles receive the requisite vote to pass, the article that receives the greatest number of votes shall prevail.

AMENDED ANALYSIS

This bill provides that when 2 competing articles in an official ballot proceeding receive the minimum number of votes to pass, the article with the most votes shall prevail.

HB 467, relative to naming private roads. **OUGHT TO PASS**

Rep. Suzanne Harvey for Municipal and County Government: The governing body has the authority to change the names of roads and streets that are under the control of the town. However, there is no authority for it to change the name of private roads. The committee heard testimony describing the potential confusion and crucial time lost by fire and EMS teams when answering a call to a road that has a name similar to another road in the same area. This bill would enable governing bodies to change the name of a private street or highway when necessary to conform to the requirements of the enhanced 911 telecommunications system. The committee unanimously agreed that passing this bill can save property and lives. Vote 16-0.

HB 504, relative to the assessment or refund of real estate transfer taxes, and the recording of plans with the register of deeds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laurie J. Boyce for Municipal and County Government: When the department of revenue administration (DRA) performs a financial audit that involves a parcel of land an additional amount of taxes or refunds usually is the outcome of the audit. Currently there is a cumbersome mechanism for the registrars of deeds to collect or refund those taxes. This bill creates a new procedure that is user friendly to the registrars and the department. When the results of an audit are known – both for assessment of additional taxes or a refund- the commissioner shall issue a notice of the results to the registrars and then upon receipt of that notice the registrars shall record the notice. This leaves a paper trail for the payment or refund of taxes for the property owner, the registrars and the department. In addition, the DRA shall certify the amount of 4 percent of the additional tax assessed and collected to the state treasurer so that such amount will be paid the registrars within one month of the audit results. The amendment adds the "location" of the property to the information given to the registrars in the notice. The bill also changes a statutory reference regarding the filing of floor plans (RSA 479-A: 12). Vote 15-0.

Amendment (0352h)

Amend RSA 78-B:9-a, II(a) as inserted by section 1 of the bill by inserting after subparagraph (4) the following new subparagraph:

(5) The location of the property.

Amend RSA 78-B:9-a, III(a) as inserted by section 1 of the bill by inserting after subparagraph (4) the following new subparagraph:

(5) The location of the property.

HB 505, relative to recording mailing addresses on property deeds. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew L. Dorsett for Municipal and County Government: When a parcel of land is sold, the information put in the new deed is not always specific enough so that the new owner's mailing address may not appear on the deed. If the correct mailing address of the new owner is not known, then the tax bill cannot be sent to the proper owner and delay and perhaps late charges may occur. This legislation inserts the words "complete address" into the required form on quit claim and warranty deeds. The amendment adds the mailing address of the new property owner to mortgage, fiduciary, foreclosure and manufactured housing deeds. The committee knows that the information on any deed is the starting point of all correct information concerning the parcel of land. Vote 15-0.

Amendment (0361h)

Amend the bill by replacing all after the enacting clause with the following:

1 Statutory Form of Warranty and Quitclaim Deeds; Mailing Address Included. Amend RSA 477:27-28 to read as follows:

477:27 Statutory Form of Warranty Deed. A deed in substance following the form appended to this section shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, heirs, successors and assigns, to [~~his and~~] their own use, with covenant on the part of the grantor, for himself *or herself*, [~~his~~] heirs, executors and administrators, that, at the time of the delivery of such deed, [~~he~~] *the grantor* was lawfully seized in fee simple of the granted premises, that the said premises were free from all incumbrances, except as stated, that [~~he~~] *the grantor* had good right to sell and convey the same to the grantee, [~~his~~] heirs, successors and assigns, and that [~~he~~] *the grantor* will, and [~~his~~] *the* heirs, executors, and administrators shall, warrant and defend the same to the grantee and [~~his~~] heirs, successors and assigns, against the lawful claims and demands of all persons.

(Form for warranty deed)

_____, of _____ County, State of _____, for consideration paid, grant to _____, (*complete mailing address*) _____, of _____ Street, Town (City) of _____, _____ County, State of _____, with warranty covenants, the _____ (Description of land or interest being conveyed: incumbrances, exceptions, reservations, if any) _____, (wife) (husband) of said grantor, release to said grantee all rights of homestead and other interests therein.

(Here add acknowledgment)

477:28 Statutory Form of Quitclaim Deed. A deed in substance following the form appended to this section shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, heirs, successors and assigns, to [~~his and~~] their own use, with covenants on the part of the grantor, for himself, [~~his~~] *or herself*, heirs, executors and administrators with the grantee, [~~his~~] heirs, successors and assigns, that at the time of the delivery of such deed the premises were free from all incumbrances made by the grantor, except as stated, and that [~~he~~] *the grantor* will, and [~~his~~] *the* heirs, executors and administrators shall, warrant and defend the same to the grantee and [~~his~~] heirs, successors and assigns forever against the lawful claims and demands of all persons claiming, by, through or under the grantor, but against none other.

(Form for quitclaim deed)

_____, of _____ County, State of _____, for consideration paid, grant to _____, (*complete mailing address*) _____, of _____ Street, Town (City) of _____ County, State of _____, with quitclaim covenants, the _____ (Description of land or interest therein being conveyed: incumbrances, exceptions, reservations, if any) _____, (wife) (husband) of said grantor, release to said grantee all rights of homestead and other interests therein.

(Here add acknowledgment)

2 Statutory Form of Power of Sale Mortgage; Mailing Address Included. Amend RSA 477:29, III to read as follows:

III. The words "statutory power of sale" shall be understood as giving the mortgagee and [his] executors, administrators, successors and assigns the right, upon any default of the performance of the statutory condition as defined in paragraph II, or any other condition contained in the mortgage, to foreclose by sale under the provisions of RSA 479:25-27-a inclusive.

(Form for mortgage deed, with power of sale)

_____ of _____ County, State of _____, for consideration paid, grant to _____, (*complete mailing address*) _____, of _____ Street, Town (City) of _____, _____ County, State of _____ with mortgage covenants, to secure the payments of _____ dollars, with _____ percent interest payable semiannually and also perform all the agreements and conditions as provided in note _____ of even date, the _____ (Description of land or interest therein being conveyed: incumbrances, reservations, exceptions, if any) _____ This mortgage is upon the statutory conditions, for any breach of which the mortgagee shall have the statutory power of sale. _____ (Wife) (husband) of said mortgagor, release all rights of homestead and other interests in the mortgage premises.

(Here add acknowledgment)

3 Statutory Form of Fiduciary Deed and Foreclosure Deed Under Power of Sale; Mailing Address Included. Amend RSA 477:30-31 to read as follows:

477:30 Statutory Form of Fiduciary Deed. A deed in substance following the form appended to this section shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, [his] heirs, successors and assigns, to [his and] their own use, with covenants on the part of the grantor, for himself *or herself*, that, at the time of the delivery of such deed, [he] *the grantor* was duly authorized to make the sale of the premises; that in all of [his] *the grantor's* proceedings in the sale thereof, [he] *the grantor* has complied with the requirements of the statute in such case provided; and that [he] *the grantor* will warrant and defend the same to the grantee, [his] heirs, successors and assigns, against the lawful claims of all persons claiming by, from or under him *or her* in the capacity aforesaid.

(Form for fiduciary deed)

_____ of _____ County, State of _____, executor under the will (administrator of the _____ estate) (trustee under the will) (guardian) (conservator) (receiver of the estate) (commissioner) of _____ of _____, by the power conferred by _____ and every other power, for _____ dollars paid, grant to _____, (*complete mailing address*) _____, of _____ Street, Town (City) of _____, _____ County, State of _____ the _____ (Insert description of land or interest therein being conveyed: incumbrances, reservations, exceptions.)

(Here add acknowledgment)

477:31 Statutory Form for Foreclosure Deed Under Power of Sale. Where a mortgage is foreclosed under a statutory power of sale, the mortgagee may give a deed to the purchaser, whether the purchaser be a stranger or the mortgagee, in the following form:

_____ of _____ County, _____ State of _____, holder of a mortgage from _____ to _____ dated _____, recorded in _____ Registry of Deeds, Vol. _____, page _____, by the power conferred by said mortgage and every other power, for _____ dollars paid, grant to _____, (*complete mailing address*) _____, of _____ Street, Town (City) of _____, _____ County, State of _____, the premises conveyed by said mortgage.

(Here add acknowledgment)

A deed in substance in that form shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, [his] heirs, successors and assigns, to [his and] their own use, with covenants on the part of the grantor, for himself *or herself*, that, at the time of the delivery of such deed, [he] *the grantor* was duly authorized to make sale of the premises; that in all of [his] *the grantor's* proceedings in the sale thereof, [he] *the grantor* has complied with the requirements of the statute in such case provided; and that [he] *the grantor* will warrant and defend the same to the grantee, [his] heirs, successors and assigns, against the lawful claims of all persons claiming by, from or under him *or her*.

4 Form of Manufactured Housing Warranty Deed, Quitclaim Deed, and Out-of-State Transfer Statement; Mailing Address Included. Amend RSA 477:44, II to read as follows:

II. MANUFACTURED HOUSING. Manufactured housing, as defined by RSA 674:31, shall be deemed a building for the purpose of paragraph I when such manufactured housing is placed on a site and tied into required utilities. Any deed conveying manufactured housing or evidencing its relocation within this state shall be substantially in the form provided in subparagraphs (a) and (b). If a deed for any manufactured housing is recorded in the registry of deeds of one county of this state and if such manufactured housing is relocated to another site in that county or to a site in another county of this state, a deed evidencing the change of location shall be recorded in the registry of deeds of the county in which it was originally located and a duplicate original shall also be recorded in the registry of deeds of the county to which it was relocated. If such manufactured housing is relocated to a site outside of this state, a statement evidencing the change of location substantially in the form provided in subparagraph (c) shall be recorded in the registry of deeds of the county in this state in which it was previously located. An attachment, lien or other encumbrance on manufactured housing, when properly created and recorded as required by law, shall continue to be enforceable until released or discharged notwithstanding the relocation of the manufactured housing within or outside of this state.

(a) A deed in substance following the form provided in this subparagraph shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, heirs, successors and assigns, to their own use, with covenant on the part of the grantor, for the grantor, the grantor's heirs, executors and administrators that, at the time of the delivery of such deed, the grantor was lawfully seized in fee simple of the manufactured housing; that such manufactured housing was free from all incumbrances, except as stated; that the grantor had good right to sell and convey the same to the grantee, the grantee's heirs, successors and assigns; and that the grantor and the grantor's heirs, executors and administrators shall warrant and defend the same to the grantee and the grantee's heirs, successors and assigns, against the lawful claims and demands of all persons. No owner of land shall unreasonably withhold the consent required by this statutory form.

Form for Manufactured Housing Warranty Deed

_____, of _____, _____ County, State of _____, for consideration paid, grant to _____, (*complete mailing address*) _____, of _____ Street, Town (City) of _____, _____ County, State of _____, with warranty covenants, the _____ (Description of manufactured housing being conveyed: name of manufacturer, model and serial number and incumbrances, exceptions, reservations, if any) which manufactured housing is situated, or is to be situated, at _____ (state name of park, if any, and street address), Town (City) of _____, _____ County, State of New Hampshire.

The tract or parcel of land upon which the manufactured housing is situated, or is to be situated, is owned by _____ by deed dated _____ and recorded at Book _____, Page in the _____ County Registry of Deeds. _____ (wife) (husband) of said grantor, release to said grantee all rights and other interests therein.

Signed this _____ day of _____, _____.

(Here add acknowledgment)

_____, owner of the tract or parcel of land upon which the aforesaid manufactured housing is situated, or is to be situated, hereby consents to the conveyance of the manufactured housing.

Signed this _____ day of _____, _____.

(Here add acknowledgment)

[] Check box if the manufactured housing has been relocated from one site to another within New Hampshire. The manufactured housing was previously located at _____ (state name of park, if any, and street address), Town (City) of _____, _____ County, State of New Hampshire and title, if any, to the same was recorded at Book _____, Page _____, in the _____ County Registry of Deeds. If the relocation is to a county of the State of New Hampshire other than the county in which the deed to the grantor was recorded, a duplicate original of the deed must be recorded in the registry of deeds of that county at the same time this deed is recorded.

(b) A deed in substance following the form provided in this paragraph shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, heirs, successors and assigns, to their own use, with covenants on the part of the grantor, for the grantor, the grantor's heirs, executors and administrators with the grantee, the grantee's heirs, successors and assigns that at the time of the delivery of such deed the manufactured housing was free from

all incumbrances made by the grantor, except as stated, and that the grantor and the grantor's heirs, executors and administrators shall warrant and defend the same to the grantee and the grantee's heirs, successors and assigns forever against the lawful claims and demands of all persons claiming, by, through or under the grantor, but against none other. No owner of land shall unreasonably withhold the consent required by this statutory form.

Form for Manufactured Housing Quitclaim Deed

_____, of _____, _____ County, State of _____, for consideration paid, grant to _____, (**complete mailing address**) _____, of _____ Street, Town (City) of _____, _____ County, State of _____, with quitclaim covenants, the (Description of manufactured housing being conveyed: name of manufacturer, model and serial number and incumbrances, exceptions, reservations, if any) which manufactured housing is situated, or is to be situated, at _____ (state name of park, if any, and street address), Town (City) of _____, _____ County, State of New Hampshire.

The tract or parcel of land upon which the manufactured housing is situated, or is to be situated, is owned by _____ by deed dated _____ and recorded at Book _____, Page _____, in the _____ County Registry of Deeds. _____ (wife) (husband) of said grantor, release to said grantee all rights and other interest therein.

Signed this _____ day of _____, _____.

(Here add acknowledgment)

_____, owner of the tract or parcel of land upon which the aforesaid manufactured housing is situated, or is to be situated, hereby consents to the conveyance of the manufactured housing.

Signed this _____ day of _____, _____.

(Here add acknowledgment)

☐ Check box if the manufactured housing has been relocated from one site to another within New Hampshire. The manufactured housing was previously located at _____ (state name of park, if any, and street address), Town (City) of _____, _____ County, State of New Hampshire and title, if any, to the same was recorded at Book _____, Page _____, in the _____ County Registry of Deeds. If the relocation is to a county of the State of New Hampshire other than the county in which the deed to the grantor was recorded, a duplicate original of the deed must be recorded in the registry of deeds of that county at the same time this deed is recorded.

(c) An out-of-state transfer statement in substance following the form appended to this paragraph shall, when duly executed and recorded in the registry of deeds of the county in which the manufactured housing was previously located, have the force and effect of transferring title of the manufactured housing to the grantee, the grantee's heirs, successors and assigns and terminating the record title of the manufactured housing in such registry of deeds under circumstances by which the manufactured housing is relocated to a site outside of this state. No owner of land shall unreasonably withhold the consent required by this statutory form. No manufactured housing may be relocated to a site outside of this state unless all holders of liens, attachments or incumbrances, if any, consent thereto in writing on the transfer statement.

Form for Out-of-State Transfer Statement

_____, of _____, _____ County, State of _____, for consideration paid, grant to _____, (**complete mailing address**) _____, of _____ Street, Town (City) of _____, _____ County, State of _____, the _____ (Description of manufactured housing being conveyed: name of manufacturer, model and serial number and incumbrances, exceptions, reservations, if any) which manufactured housing, was situated at _____ (state name of park, if any, and street address), Town (City) _____ of _____ County, State of New Hampshire.

The tract or parcel of land upon which the manufactured housing was situated is owned by _____ by deed _____ dated _____ and recorded at Book _____, Page _____ in the _____ County Registry of Deeds. _____ (wife) (husband) of said grantor, release to said grantee all rights and other interest therein.

Signed this _____ day of _____, _____.

(Here add acknowledgment)

_____, owner of the tract or parcel of land upon which the aforesaid manufactured housing was situated, hereby consents to the conveyance of the manufactured housing.

Signed this _____ day of _____, _____.

(Here add acknowledgment)

_____, holder of (lien, attachment or encumbrance) hereby consent to the conveyance of the aforesaid manufactured housing, subject to condition that the aforesaid (lien, attachment or encumbrance) shall remain in force and effect thereon.

Signed this _____ day of _____, _____.

(Here add acknowledgment)

5 Effective Date. This act shall take effect 60 days after its passage.

HB 509, relative to election of police chiefs. INEXPEDIENT TO LEGISLATE

Rep. David L. Buhlman for Municipal and County Government: A town may vote to elect a police chief at an annual town meeting by putting a warrant article forth for said meeting. If a town chooses to do so, the election of the police chief occurs at the next succeeding annual meeting. The committee heard testimony that there were no qualifications for a police chief and anyone – of good or bad character – could be elected. Current law now requires any elected police chief to be certified (RSA 188-F: 27) and if the elected person could not be certified the governing body shall appoint a police chief until a certifiable chief is elected. This bill would have allowed any certified New Hampshire law enforcement officer in the state to seek this office. The police chief serves an important role in a community. In municipalities that choose to elect their police chiefs, it is important that a resident serve in this role because residents have more at stake in their own community. The committee also felt that if non-residency were allowed for this position then why not the road agent, selectmen or any other town official. The committee did not want to open the gateway. Vote 12-0.

HB 519-L, relative to the authority to accept dedicated streets and to subdivision roads. INEXPEDIENT TO LEGISLATE

Rep. Nancy K. Johnson for Municipal and County Government: This bill gives the local governing body exclusive authority to accept dedicated streets and prohibits a planning board from requiring private roads as a condition of subdivision approval. The committee unanimously agreed that the legislative body is the place where the ultimate authority needs to be, since now it can delegate that authority to the governing body if it wants to make that decision. Vote 16-0.

HB 169-FN-A, relative to completion of a sidewalk on Hazen Drive in the city of Concord and making an appropriation therefore. INEXPEDIENT TO LEGISLATE

Rep. John A. Graham for Public Works and Highways: The sponsor is working with the Department of Transportation to improve pedestrian safety along Hazen Drive and requested the legislature to find the bill Inexpedient to legislate. Vote 15-0.

HB 565-FN-A, relative to the demolition of a certain building to provide access for a public boat ramp for Winnisquam Lake and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Bernard L. Benn for Public Works and Highways: This bill would appropriate \$350,000 to the Department of Environmental Services for the demolition of a large brick structure for the purpose of providing unencumbered public access to the Winnepesaukee River and Winnisquam Lake. The committee supports the construction of a public boat ramp, but found that proper access to the proposed ramp site was possible without the demolition. The net advantage of the demolition would only be an additional nine parking spaces. At a cost of approximately \$39,000 per space, the committee could not support such an appropriation. Vote 14-0.

HB 457, relative to excavating and dredging permit exemptions for water conveyance systems. OUGHT TO PASS WITH AMENDMENT

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill amends RSA 482-A:IV(b) which currently allows non-tidal drainage ditches, culverts, catch basins fire ponds and other man-made ponds that have been legally constructed to collect and convey storm water and spring run-off or to store water to be cleared without a permit from the Department of Environmental Services (DES) so long as such structures are not enlarged. The bill adds to this exemption man-made water conveyance systems used for the commercial or industrial purposes of collecting, conveying, storing or recycling water. These include various industrial processes such as stone cutting and gravel cleaning which require the installation of retention ponds to settle out the fine materials suspended in the water. Wetland vegetation becomes established in these water systems, which must be cleaned from time to time in order to function as designed. The committee unanimously supports This bill which exempts these types of water systems from the need to obtain dredge and fill permits from DES. The amendment clarifies the intention of the original bill. Vote 17-0.

Amendment (0368h)

Amend the bill by replacing all after the enacting clause with the following:

1 Excavating and Dredging Permit; Certain Exemptions; Water Conveyance Systems for Commercial or Industrial Purposes Added. Amend RSA 482-A:3, IV(b) to read as follows:

(b) **Man-made** nontidal drainage ditches, culverts, catch basins, and ~~[man-made detention]~~ ponds that have been legally constructed to collect ~~[and]~~ **or** convey storm water and spring run-off, ~~[and that have been maintained so that wetlands vegetation has not become dominant, or]~~ fire ponds and intake areas of dry hydrants that have been legally constructed to provide water for municipal firefighting purposes as approved by a local fire chief, **and man-made water conveyance systems that are used for the commercial or industrial purpose of collecting, conveying, storing, and recycling water**, may be cleaned out when necessary to preserve their usefulness without a permit from the department. Such drainage facilities, fire ponds, ~~[or]~~ intake areas of any hydrants, **or man-made water conveyance systems** may be cleaned out by hand or machine; provided, that the facility is neither enlarged nor extended into any area of wetlands jurisdiction of the department of environmental services, dredged spoils are deposited in areas outside wetlands jurisdiction of the department of environmental services, and wetlands or surface waters outside the limits of the constructed drainage facility, fire pond, ~~[or]~~ intake area of a dry hydrant, **or man-made water conveyance system** are neither disturbed nor degraded.

2 Effective Date. This act shall take effect upon its passage.

HB 571-FN, relative to moorings on Bow Lake. INEXPEDIENT TO LEGISLATE

Rep. Duncan D. Chaplin for Resources, Recreation and Development: This bill would add Bow Lake in Strafford and Northwood to the list of six lakes (Winnepesaukee, Winnisquam, Squam, Newfound, Ossipee, and Sunapee) which are already under control of the New Hampshire mooring control program (RSA 270:61). Furthermore, all present mooring on Bow Lake would be grandfathered, a concept which is contrary to our mooring program. A similar bill was filed in 2004 (HB 1164), which was sent to Interim Study and reported out late last year as "Inexpedient to Legislate" by this committee. Nothing has changed in the past six months. Vote 17-0.

HB 152-FN, requiring heating oil sellers to purchase biodiesel. OUGHT TO PASS WITH AMENDMENT

Rep. Gene F. Andersen for Science, Technology & Energy: This bill establishes a commission to study the uses of biodiesel in both heating oil and motor transport. The original bill required the use of biodiesel in heating oil. Testimony indicated that New Hampshire's fuel delivery infrastructure is not developed to meet the requirements of the original bill. The bill's amendment provides a study commission to determine the use of biodiesel and removes any requirement for use at this time. Other states are requiring biodiesel use in fuel stocks and biodiesel is currently in use in neighboring states. Biodiesel is a renewable energy fuel processed from a variety of vegetative stock including stock and other vegetation available or grown in New Hampshire. Testimony of both citizens and industry indicates biodiesel will provide a renewable domestic fuel source with environmental benefits. Testimony by industry showed their willingness to work on a commission to study and promote biodiesel. Vote 12-0.

Amendment (0404h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the uses of biodiesel for home heating and vehicular transportation.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study the uses of biodiesel for home heating and vehicular transportation.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of environmental services, or designee.

(d) The commissioner of transportation, or designee.

(e) The commissioner of agriculture, markets, and food, or designee.

(f) Three public members, appointed by the governor, one of whom shall represent the interests of the home heating industry, one of whom shall represent the interests of the motorized transportation industry, and one of whom shall represent the interests of the general business community.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study the uses of biodiesel as a renewable source of energy for home heating and vehicular transportation.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2005.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a commission to study the uses of biodiesel for home heating and vehicular transportation.

HB 202, establishing a commission to study options for reducing the impact of exhaust emissions from mobile diesel engines. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jacqueline Cali-Pitts for Science, Technology and Energy: This bill is a very simple and straightforward bill instructing the Department of Environmental Services (DES) to coordinate and compile a report on all existing state and federal regulations regarding diesel exhaust emissions. DES is further instructed to make recommendations concerning these programs and submit a report to the air pollution advisory committee. Vote 12-3.

Amendment (0603h)

Amend the title of the bill by replacing it with the following:

AN ACT directing the commissioner of the department of environmental services to review options for reducing diesel engine exhaust emissions.

Amend the bill by replacing all after the enacting clause with the following:

1 Diesel Engine Exhaust Emissions; Review and Report.

I. The commissioner of the department of environmental services is hereby directed to conduct a thorough and comprehensive review of current state and federal laws, regulations, policies, rules, and programs that relate to the reduction of diesel engine exhaust emissions.

II. Upon completion of the review, the commissioner, or designated representative, shall report the findings of the review and the commissioner's recommendations. The commissioner shall submit the report to the chairperson of the air pollution advisory committee established in 125-J:11 no later than September 1, 2005. The report shall include:

(a)(1) Identification of existing applicable state and federal laws, regulations, policies, rules, and programs.

(2) Identification of costs associated with each program, and in total.

(3) Identification of all public benefits that derive from each program and collectively.

(4) Recommended prioritization of current efforts to reduce diesel engine exhaust emissions in terms of results achieved, public benefit derived, and costs required to achieve these benefits.

(5) Identification of current funding sources available to reduce diesel engine exhaust emissions in the state.

(b)(1) An overall assessment of the current efforts to reduce diesel engine exhaust emissions.

(2) Deficiencies that exist in current programs that inhibit or restrict full or improved effectiveness.

(3) Recommendations to integrate various related programs in order to achieve maximum effectiveness and public benefit.

(4) Costs associated with such integration recommendations, and costs associated with eliminating deficiencies in current programs.

(5) Identification of potential funding sources that may be applied to reducing diesel engine exhaust emissions.

(6) An assessment of state legislation needed to enhance current programs or to implement any new programs.

(7) Funding requirements for implementation of any proposed legislation.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill directs the commissioner of the department of environmental services to review options for reducing diesel engine exhaust emissions and to report findings and recommendations to the chairperson of the air pollution advisory committee.

HB 261, relative to title to salvage vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. Brenda L. Ferland for Transportation: The bill and the amendment clarify when a vehicle that is five years old or newer sustains damage in an accident of 75 percent or greater has a salvage title issued to it. The committee felt that this is a consumer protection issue. This will ensure that when someone buys a used car that has sustained damage of 75 percent or more they will be informed of what they are buying. Vote 14-0.

Amendment (0578h)

Amend RSA 261:22, VI as inserted by section 1 of the bill by replacing it with the following:

VI. For purposes of this section, a total loss vehicle shall mean either an unrecovered stolen vehicle or ~~[one which has sustained damage or injury so extensive that it is]~~ **a damaged vehicle:**

(a) That is determined to be physically or economically impractical to repair in connection with an insurance claim settlement; or

(b) For which the cost of repairing the vehicle is 75 percent or more of its fair market value prior to the vehicle being damaged, if the damage occurs during its model year or the 4 subsequent calendar years. The total cost of repairing the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, or entertainment systems.

HB 326, relative to motorcycle noise levels. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen H. Nedeau for Transportation: This bill clarifies what are considered unmuffled exhaust pipes and sets fines for the use of such pipes. The fine for using what are considered straight pipes will be \$200 not to exceed \$500. The fine for exceeding RSA 266:59A which is the motorcycle noise statute and testing procedure will be \$100 not to exceed \$300. This agreement was worked out with the representatives of the Portsmouth, Rye and Seabrook police departments, and the representatives of the motorcycling organizations. We hope this will solve most of the problems associated with loud motorcycles. Vote 14-0.

Amendment (0577h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to motorcycle noise levels and mufflers.

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Equipment of Vehicles; Prevention of Noise; Motorcycle Exhaust Modifications. Amend RSA 266:59 by inserting after paragraph III the following new paragraph:

IV. No person shall operate a motorcycle with a straight pipe exhaust system; "straight pipe exhaust system" means any straight-through muffler that does not contain baffles, including, but not limited to, glass packs, steel packs, and straight pipes. Any person who violates the provisions of this paragraph shall be guilty of a violation and shall be fined not less than \$200 nor more than \$500.

2 Motorcycle Noise Levels; Fines. Amend RSA 266:59-a, III to read as follows:

III. Any person who violates the provisions of this section shall be guilty of a violation **and shall be fined not less than \$100 nor more than \$300.**

AMENDED ANALYSIS

This bill clarifies that a person may not operate a motorcycle with a straight pipe exhaust system. This bill also establishes fines for operating a motorcycle with a straight pipe exhaust system and for exceeding permissible motorcycle noise levels.

HB 352, relative to speed limits. INEXPEDIENT TO LEGISLATE

Rep. Stephen H. Nedeau for Transportation: This bill would have permitted local authorities to decrease speed limits in urban districts. After discussions with the Department of Transportation it was decided that we would let the department resolve this issue. The committee felt that this was dealing with one special area and could be handled in a different way. Vote 14-0.

HB 357, relative to negligent driving. OUGHT TO PASS WITH AMENDMENT

Rep. Brenda L. Ferland for Transportation: This bill came to the committee as a fine for negligent driving with a minor in the vehicle. The committee wants to get the message out that people must take the job of driving carefully. Therefore, we amended the bill to include the offense to cover negligent driving with anyone in the vehicle and have set the fine at not less than \$250 nor more than \$500 for a first offense and not less than \$500 nor more than \$1,000 for a second or subsequent offense. Vote 12-0.

Amendment (0250h)

Amend the bill by replacing section 1 with the following:

1 Negligent Driving; Fines. Amend RSA 265:79-b to read as follows:

265:79-b Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a vehicle to be driven negligently, as defined in RSA 626:2, I(d), or in a manner that endangers or is likely to endanger any person or property shall be guilty of a violation *and shall be fined not less than \$250 nor more than \$500 for a first offense and not less than \$500 nor more than \$1,000 for a second or subsequent offense.*

HB 550-FN, requiring placards in vehicles operated by persons learning to drive. INEXPEDIENT TO LEGISLATE

Rep. Stephen H. Nedeau for Transportation: This bill would have required placards in driver training automobiles. Operators teaching someone to drive would be required to have some type of placard attached to the automobile that would make it visible to other drivers. We understand that other drivers being too close or right on their bumper causes concerns for the driving instructors. The committee feels there are ample laws on the books now for driver training schools. Vote 13-0.

HB 243, relative to boat registration fees. INEXPEDIENT TO LEGISLATE

Rep. Priscilla P. Lockwood for Ways and Means: This bill would raise boat registration fees by \$1, which would be retained by the agent registering the boat. The committee was reluctant to raise boat fees again. We raised them last session. The boat registration fee structure is diverse and involves compensation to different marine funds. We should first examine how the existing fee structure is divided up and the committee felt that this topic would be better served first in a policy committee. Vote 15-0.

HB 260-FN, relative to motor vehicle equipment and registration. OUGHT TO PASS

Rep. Susan W. Almy for Ways and Means: This bill was amended by the House to remove the fiscally significant portion (drivers' license less than five years). The only other item that relates to Ways and Means is an ongoing practice which the auditors pointed out had no legislative authority behind it. The House has voted for this authority, and there is no change in existing revenues that results. Vote 16-0.

HB 268-FN, increasing certain motor vehicle fees. OUGHT TO PASS

Rep. Peyton B. Hinkle for Ways and Means: This bill increases the fee for the replacement of each motor vehicle plate which has been lost, mutilated or made illegible from \$3.50 to \$4.00, and it charges a fee for replacement of a lost or illegible validation sticker of \$1.00. This is a housekeeping item that places current practice into law and charges for plates and stickers based on the cost to produce them. Vote 16-0.

HB 344, relative to the consensus revenue estimating panel. INEXPEDIENT TO LEGISLATE

Rep. Catherine Mulholland for Ways and Means: This legislation, while laudable in its objective to reach a consensus estimate of external economic fluctuations which may affect the various revenues and expenses of the state, was deemed both redundant and unaffordable by the majority of the committee. This task is undertaken and monitored throughout each biennium both for the purposes of building a budget and tracking its course. A permanent panel would require an appropriation to compensate its members for their services. In spite of our limited means it is doubtful that such a panel would enhance the ways in which we currently gain access to the appropriate information. Vote 14-1.

HB 554-FN-A, establishing a state property tax relief program for seniors and the disabled. **IN-EXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Ways and Means: The issue of property tax relief is already being studied by a committee which will issue its final report on November 1, 2005. Rather than duplicate the work already ongoing, the Ways and Means Committee recommends that the concept contained within this bill be considered by the Property Tax Relief Study Committee. Vote 15-0.

HB 602-FN-A, relative to the unbundling of communications services for purposes of the application of the communications services tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: Three years ago, the legislature enacted a bill for wireless companies allowing them to present a package of services to the consumer for a discount price and only charge tax for the taxable services portion of the package. Wireline (traditional phone) companies are in a different section of the statute. They are anticipating packaging (bundling) services in the future. If they did, under existing statute the consumer would be charged tax on nontaxable services. This bill prevents that. The amendment corrects a typo and retains in statute the duplicate wireless section for purposes of clarity. This is a consumer protection bill. Vote 16-0.

Amendment (0604h)

Amend the bill by replacing all after the enacting clause with the following:

1 Communications Services Tax; Definition of "Gross Charge;" Non-Taxable Charges. Amend RSA 82-A:2, V(e) to read as follows:

(e) Charges for services which are not provided in connection with originating or receiving communications services and which are not necessary for or directly related to the provision of communications services, to the extent that the charges for such services are disaggregated and separately identified from other charges on the customer's bill. *In instances where the retailer does not separately list charges for taxable and non-taxable communications services, such charges shall be subject to the taxes imposed by this chapter, unless the retailer can reasonably identify charges not subject to such tax from its books and records kept in the ordinary course of business. A taxpayer may not rely upon the nontaxability of charges for communications services unless the taxpayer's retailer separately states the charges for nontaxable communications services from taxable charges or the retailer elects, after receiving written notice from the taxpayer in the form required by the provider, to provide verifiable data based upon the retailer's books and records that are kept in the regular course of business that reasonably identify the nontaxable charges.*

2 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill permits the exclusion of nontaxable components of bundled communications services packages from the communications services tax if the retailer can identify the charges not subject to the tax from its books and records kept in the ordinary course of business.

HB 675-FN, exempting agricultural tower silos from the education property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Christine C. Hamm for Ways and Means: While committee members sympathized with the sponsors' intent to preserve tower silos as a symbol of the state's agricultural heritage and understood many owners' reluctance to pay taxes on a structure that no longer provides economic benefit, the committee rejected the proposed legislation. As with HB 676-FN, committee members would have been more inclined to support this bill had it provided enabling legislation to seek tax relief from a more appropriate source. Vote 16-0.

HB 676-FN, exempting agricultural buildings from the education property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Christine C. Hamm for Ways and Means: The committee voted not to pass this bill because it was not structured properly to accomplish its objectives. While many committee members expressed support for the bill's intent to preserve the viability of the state's farming industry, all agreed that exemption from the education property tax was not the appropriate way to provide relief. An amendment, proposed by one of the committee members to resolve this concern, resulted in additional questions. Some members suggested the sponsors consider submitting an alternative bill with enabling legislation at a later date. Vote 16-0.

HB 707-FN-A, establishing a credit against the business enterprise tax for certain borrowed and invested money. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Ways and Means: This bill would provide tax credits for new businesses that commence operations in the state for five years. As interesting as the concept sounds, the committee was not swayed for several reasons. The bill created special circumstances for some businesses to begin operations, while other businesses that have to invest in similar aspects would not be similarly rewarded. This creates an unfair and unequal taxing situation. Realizing the state needs all the revenue it can generate at this time, such treatment is not warranted. We revised the Net Operating Loss (NOL) statute for all businesses a few years ago, the results (and costs) for which are still unknown. Some members had reservations that the preferential treatment given this select group of businesses may not be constitutional. The committee felt it best to leave the business taxes as they are. Vote 16-0.

REGULAR CALENDAR

HB 147, relative to the death penalty. **OUGHT TO PASS**

Rep. Lee M. Hammond for Criminal Justice and Public Safety: This bill which simply states that no one under the age of 18 at the time the offense was committed may be culpable of a capital murder was passed by both House and Senate last session, only to be vetoed by the governor. Since then, further scientific evidence has emerged reinforcing our awareness that the 17 year old human brain has not fully developed and is not capable of consistent responsible adult behavior. Impulsivity and lack of judgment are commonplace, resulting in irresponsible actions, horrendous behaviors – even murder. But a child in an adult body should not be held culpable of capital murder, and New Hampshire should join the rest of the civilized world in refraining from executing any person who has yet to reach the age of majority. Vote 9-6.

Rep. Welch spoke in favor.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 285 NAYS 74

YEAS 285

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Millham, Alida	Morrison, Gail	Neddeau, Stephen
Pilliod, James	Rosen, Ralph	Thomas, John	Tilton, Franklin
Veazey, John			

CARROLL

Ahlgren, Christopher	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	Olimpio, J Lisbeth	Patten, Betsey	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Hogancamp, Deborah	Hunt, John	Parkhurst, Henry	Pelkey, Stephen
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Sinclair, Stephanie	Tilton, Anna
Weed, Charles			

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Stohl, Eric
Theberge, Robert			

GRAFTON

Alger, John	Almy, Susan	Andersen, Gene	Barker, Robert
Benn, Bernard	Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie
Gionet, Edmond	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
Ingbreton, Paul	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	

HILLSBOROUGH

Aboshar, Jeffrey	Allan, Nelson	Baines, Stephen	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Campbell, David
Carew, James	Carlson, Donald	Chabot, Robert	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Egbers, Fran	Essex, David	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Graham, John
Haley, Robert	Harvey, Suzanne	Hebert, Raymond	Infantine, William
Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Lefebvre, Roland	Manney, Pamela
Martin, Mary Ellen	Matarazzo, Anthony Sr	McRae, Karen	Messier, Irene
Michon, Stephen	Mooney, Maureen	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pappas, Christopher	Pilotte, Maurice
Reeves, Sandra	Rochette, Eric	Rowe, Robert	Scanlon, Michael
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Smith, David
Souza, Kathleen	Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	Danforth, James	DeJoie, John
DeStefano, Stephen	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Klose, John	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Carson, Sharon	Casey, Kimberley	Coburn, James	Cooney, Richard
DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken	Dowling, Patricia
Doyle, Christopher	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Francoeur, Sheila	Garrity, James	Gillick, Thomas	Gould, Kenneth
Griffin, Mary	Hughes, Daniel	Ingram, Russell	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Morris, Richard	Norelli, Terie	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Powers, James	Priestley, Anne
Putnam, Ed II	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Serlin, Christopher	Splaine, James
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Wells, Roger	Weyler, Kenneth	Winchell, George
Zolla, William			

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Goodwin, Earle	Heon, Richard	Hilliard, Dana	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph

Newton, Clifford
Smith, Marjorie
Twombly, James

Rollo, Michael
Snyder, Clair
Wall, Janet

Rous, Emma
Spang, Judith

Schmidt, Peter
Taylor, Katherine

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Gale, Harry
Phinizz, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Jillette, Arthur Jr
Rodeschin, Beverly

NAYS 74

BELKNAP

Heald, Bruce
Whalley, Michael

Russell, David

Tobin, William

Wendelboe, Fran

CARROLL

Babson, David Jr
Stevens, Stanley

Chandler, Gene

McConkey, Mark

Morrow, Harry

CHESHIRE

Foote, Sheila

COOS

Richardson, Herbert

Toll, John Jr

GRAFTON

Giuda, Robert

Maybeck, Margie

Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Boehm, Ralph
Desmarais, Vivian
Gibson, John
Hellwig, Steve
Jasper, Shawn
Pepino, Leo
Slocum, Lee

Balboni, Michael
Buhlman, David
Elliott, Nancy
Goyette, Peter Jr
Hinkle, Peyton
Kelly, Eugene Jr
Renzullo, Andrew
Tahir, Saghir

Bergeron, Jean-Guy
Carter, Mark
Emerton, Larry
Hansen, Ryan
Hirschmann, Keith
L'Heureux, Robert
Ross, Lawrence
Ulery, Jordan

Biundo, Michael
Crane, Elenore Casey
Francoeur, Bea
Hawkins, Ken
Hunter, Bruce
Mead, Robert
Ryder, Donald
Wheeler, James

MERRIMACK

Kidder, David

Langlais, Thomas

ROCKINGHAM

Bettencourt, David
Forsing, Robert
Hutchinson, Karen
Lund, Howie
Smith, Paul

Camm, Kevin
Gilbert, Karl
Introne, Robert
Parker, Benjamin
Weldy, Norman

Charron, Gene
Headd, James
Itse, Daniel
Quandt, Marshall Lee
Wiley, Robert

Dumaine, Dudley
Hopfgarten, Paul
Johnson, Rogers
Quandt, Matthew

STRAFFORD

Albert, Russell

Cataldo, Sam

Chaplin, Duncan

Easson, Timothy

SULLIVAN

Irish, Christopher
and the committee report was adopted.
Ordered to third reading.

HB 363, relative to parking at polling places. OUGHT TO PASS WITH AMENDMENT

Rep. Richard B. Drisko for Election Law: This bill authorizes the moderator to provide parking in the immediate area of the polling places and establish time limitations on said parking. If the

moderator decides time limitations are necessary, he must notify the governing body and the chief of police at least seven days prior to an election. The RSAs specify that the moderator be the governing official at the polling place. The majority felt that this was a "parking" issue and that if it were necessary to better clarify the role of the moderator or the role of the city clerk, relative to elections, it should be addressed in separate legislation. Vote 13-4.

Amendment (0651h)

Amend the bill by replacing section 1 with the following:

1 New Section; Preparation of Polling Place; Parking. Amend RSA 658 by inserting after section 9-a the following new section:

658:9-b Parking. The governing body of each town and ward shall ensure that there is parking available in the immediate area of the polling place. The moderator may establish time limitations on the use of parking spaces in the immediate area of the polling place, if he or she determines that doing so is necessary to ensure the availability of convenient parking for voters. The time limitations may be applied to any areas where a motorist may lawfully park on public property and to any private property suitable for parking made available for the use of the town or ward for the purpose of conducting the election. The moderator may determine the time limitation based on the character of the election, the anticipated voter turnout, and the number of offices or questions to be voted. If the moderator determines that time limitations are necessary, the moderator shall notify the governing body and the chief of police no later than 7 days prior to the date of the election. The governing body or the chief of police shall ensure that appropriate temporary signs are installed prior to election day or prior to the time for the opening of the polls on election day. The moderator shall cause signs to be posted inside the polling place giving voters notice of the time limitations. If a waiting line for voting or for election day registration forms that causes voters to wait for a period of time longer than the established time limitations, the moderator shall suspend enforcement of the time limitations on parking. Once the waiting period for voting or registering has been reduced so that a voter has a reasonable opportunity to register and vote within the time limitations, the moderator may reinstate enforcement of the time limitations. The moderator shall give immediate notice to the law enforcement officer on duty at the polls, or, if none, to the chief of police, of any suspension or reinstatement of the time limitations on parking. Any person parking in violation of a properly-posted time limitation shall be guilty of a violation.

AMENDED ANALYSIS

This bill requires parking at polling places. This bill also authorizes the moderator to establish time limitations on parking in the immediate area of the polling place.

Adopted.

Committee report adopted and ordered to third reading.

HB 365, relative to recount fees. OUGHT TO PASS

Rep. Richard B. Drisko for Election Law: This bill clarifies the fee requirements for state general election recounts. If the difference in the total vote is greater than 3%, then the candidate applying for the recount must file application and pay the estimated cost to the secretary of state five days prior to the start of the recount. The majority felt with that difference, the state should receive the payment in advance. If the amount charged is greater than the actual cost, then a refund will be made to the applicant. Vote 11-4.

Committee report adopted and ordered to third reading.

HB 55-FN-A, relative to industrial hemp and establishing an industrial hemp special program fund. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. J. Lisbeth Olimpio for the Majority of Environment and Agriculture: This bill offers New Hampshire farmers the opportunity for diversity in their crops. Industrial hemp with too low a THC content (Tetrahydrocannabinis) is not to be confused with marijuana. Hemp has been raised for fiber (textiles and paper) and food for at least 12,000 years. Raising it was required in the American colonies. Only one individual testified against this bill. A manufacturer in Washington, D.C. is currently spending \$800,000 in Canada on hemp seeds for his soaps, lotions, and snack foods and would much prefer to buy in America. Another manufacturer's agent in Portsmouth purchases hemp fiber for Flex Form, which makes bio composite body panels for cars and trucks. They buy six million tons of hemp fiber from China annually. This is our opportunity to promote a program of sustainable agriculture. Vote 15-5.

Rep. Ryan N. Hansen for the Minority of Environment and Agriculture: The Minority of the committee felt two major points raised in our hearings on this bill warranted a recommendation of ITL. First, the state of New Hampshire does not have the existing infrastructure required to produce a viable and marketable hemp crop. Second, law enforcement does not support this legislation and current federal law will curtail the licensing of the growing of hemp even with this bill's passage. Until the Drug Enforcement Agency acts to loosen its rules and permitting process in regard to hemp, none can be grown for commercial use in the United States. The minority of the committee feels the bill is premature and not a viable long-term solution for New Hampshire's farmers.

Majority Amendment (0333h)

Amend RSA 433-C:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "Process" means to produce a product from harvested industrial hemp that may be transported off a licensed site which shall consist only of mature stalks, fiber produced from such stalks, oil or cake made from the seeds, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks except the resin extracted therefrom, fiber, oil or cake, or the sterilized seeds which are incapable of germination.

Amend RSA 433-C:3 as inserted by section 1 of the bill by replacing it with the following:

433-C:3 Industrial Hemp an Agricultural Crop. Industrial hemp is recognized as an agricultural crop.

Amend RSA 433-C:4, I as inserted by section 1 of the bill by replacing it with the following:

I. A license from the commissioner shall authorize the holder to legally plant grow, harvest, and process industrial hemp only at a site or sites as specified by the license. A license shall also allow the holder to transport industrial hemp seeds obtained from the commissioner to such sites.

Amend RSA 433-C:7, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner shall deny, suspend, revoke, or refuse to renew a license in the following cases:

(a) If false or misleading information, statements, misrepresentation, or false or falsified documents have been submitted on or with an application or renewal for a license.

(b) If the licensee fails to take any action required by the commissioner under the provisions of this chapter.

(c) If the license holder or applicant, or in the case of a corporation, cooperative, partnership, LLC or trust, any of its officers, directors or partners, has a record that includes within the previous 10 years:

(1) Any designated drug offense as provided in RSA 318-B:26; or

(2) If he or she ordinarily resides in a country other than the United States, an offense that if committed in the United States would constitute a designated drug offense.

Amend RSA 433-C:8, II as inserted by section 1 of the bill by replacing it with the following:

II. The commissioner shall establish hemp seed prices to be charged growers equivalent to the cost of acquiring the seed as provided in RSA 433-C:5. The establishment of hemp seed prices shall be exempt from RSA 541-A. All proceeds, if any, of seed sales shall be deposited in the industrial hemp special program fund established in paragraph III.

Majority amendment adopted.

Rep. Hansen spoke against and yielded to questions.

Rep. Batula spoke against.

Reps. Olimpio and Owen spoke in favor and yielded to questions.

Rep. Hansen requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 199 NAYS 168

YEAS 199

BELKNAP

Flanders, Donald

Morrison, Gail

Rosen, Ralph

CARROLL

Babson, David Jr

Dickinson, Howard

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Dunn, J Timothy
Parkhurst, Henry
Richardson, Barbara
Sinclair, Stephanie

Butcher, Suzanne
Eaton, Daniel
Pelkey, Stephen
Roberts, Kris
Tilton, Anna

Butynski, William
Espieffs, Peter
Plifka, Stanley Jr
Robertson, Timothy
Weed, Charles

Dexter, Judson
Hogancamp, Deborah
Pratt, John
Sawyer, Sheldon

COOS

Buzzell, Bernard
Theberge, Robert

Lary, Bruce

Mears, Edgar

Merrick, Scott

GRAFTON

Almy, Susan
Gionet, Edmond
Harding, A Laurie
Naro, Debra
Ward, John

Andersen, Gene
Giuda, Robert
Ingbertson, Paul
Nordgren, Sharon
Williams, Burton

Benn, Bernard
Ham, Bonnie
McLeod, Martha
Sokol, Hilda

Cooney, Mary
Hammond, Lee
Mulholland, Catherine
Sorg, Gregory

HILLSBOROUGH

Baines, Stephen
Bergin, Peter
Chase, Claudia
Cote, Peter
Desmarais, Vivian
Essex, David
Gonzalez, Carlos
Hinkle, Peyton
Kopka, Angeline
Manney, Pamela
Messier, Irene
Pappas, Christopher
Ross, Lawrence
Shaw, Kimberly
Sullivan, Peter

Balboni, Michael
Buhlman, David
Clayton, William
Craig, James
DeVries, Betsi
Garrity, Patrick
Gorman, Mary
Holden, Randolph
Kurk, Neal
Martin, Mary Ellen
Michon, Stephen
Pilotte, Maurice
Scanlon, Michael
Smith, David
Ulery, Jordan

Baroody, Benjamin
Calawa, Leon Jr
Clemons, Jane
Crane, Elenore Casey
Dyer, Donald
Ginsburg, Ruth
Haley, Robert
Irwin, Anne-Marie
Lasky, Bette
McRae, Karen
O'Brien, William
Renzullo, Andrew
Schulze, Joan
Souza, Kathleen
Vaillancourt, Steve

Beaulieu, Jane
Carlson, Donald
Cote, David
Daniuk, Caitlin
Egbers, Fran
Golding, William
Harvey, Suzanne
Jean, Claudette
Lefebvre, Roland
Mead, Robert
Ober, Lynne
Rochette, Eric
Shaw, Barbara
Sullivan, Francis
Velez, Hector

MERRIMACK

Bouchard, Candace
Foose, Robert
Hager, Elizabeth
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Brueggemann, Donald
French, Barbara
Hamm, Christine
Owen, Derek
Shurtleff, Stephen
Walz, Mary Beth

Clarke, Claire
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Tilton, Joy
Whiting, Herbert

DeJoie, John
Greco, Vincent
Marple, Richard
Reardon, Tara
Tupper, Frank
Williams, Robert

ROCKINGHAM

Blanchard, MaryAnn
Coburn, James
Gillick, Thomas
Itse, Daniel
Moody, Marcia
Powers, James
Serlin, Christopher
Wells, Roger

Cali-Pitts, Jacqueline
DiFruscia, Anthony
Gould, Kenneth
Katsakiores, George
Morris, Richard
Putnam, Ed II
Splaine, James

Casey, Kimberley
Donahue, Richard Ken
Hughes, Daniel
Lund, Howie
Norelli, Terie
Rolston, James
Stiles, Nancy

Charron, Gene
Flockhart, Eileen
Hutchinson, Karen
McKinney, Betsy
Pantelakos, Laura
Sanders, Elisabeth
Waterhouse, Kevin

STRAFFORD

Berube, Roger
Brown, Lawrence

Bickford, David
Chaplin, Duncan

Brown, Jennifer
Cilley, Jacalyn

Brown, Julie
Creteau, Irene

Domingo, Baldwin
 Hilliard, Dana
 Keans, Sandra
 Rollo, Michael
 Snyder, Clair

Dunlap, Patricia
 Hofemann, Roland
 Knowles, William
 Rous, Emma
 Spang, Judith

Goodwin, Earle
 Johnson, Nancy
 Miller, Joseph
 Schmidt, Peter
 Taylor, Katherine

Heon, Richard
 Kaen, Naida
 Newton, Clifford
 Smith, Marjorie
 Taylor, Kathleen

SULLIVAN

Cloutier, John
 Franklin, Peter
 Prichard, Stephen

Converse, Larry
 Houde-Quimby, Charlotte

Donovan, Thomas
 Jillette, Arthur Jr

Ferland, Brenda
 Phinizy, James

NAYS 168

BELKNAP

Allen, Janet
 Heald, Bruce
 Russell, David
 Veazey, John

Boyce, Laurie
 Millham, Alida
 Thomas, John
 Wendelboe, Fran

Clark, Charles
 Nedeau, Stephen
 Tilton, Franklin
 Whalley, Michael

Fitzgerald, James
 Pilliod, James
 Tobin, William

CARROLL

Ahlgren, Christopher
 McConkey, Mark

Chandler, Gene
 Merrow, Harry

Knox, J David
 Patten, Betsey

Martin, James
 Stevens, Stanley

CHESHIRE

Emerson, Susan

Footte, Sheila

Hunt, John

COOS

King, Frederick
 Stohl, Eric

Morneau, Renney
 Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Alger, John
 Maybeck, Margie

Barker, Robert
 Solomon, Peter

Bleyler, Ruth

Eaton, Stephanie

HILLSBOROUGH

Aboshar, Jeffrey
 Batula, Peter
 Brassard, Paul
 Chabot, Robert
 Dokmo, Cynthia
 Foster, Linda
 Goley, Jeffrey
 Hawkins, Ken
 Hunter, Bruce
 Kelly, Eugene Jr
 Movesian, Lori
 Rowe, Robert
 Tahir, Saghir

Adams, Jarvis IV
 Bergeron, Jean-Guy
 Brundige, Robert
 Christensen, D L Chris
 Drisko, Richard
 Francoeur, Bea
 Goyette, Peter Jr
 Hebert, Raymond
 Infantine, William
 L'Heureux, Robert
 O'Connell, Timothy
 Ryder, Donald
 Villeneuve, Maurice

Allan, Nelson
 Biundo, Michael
 Campbell, David
 Christiansen, Lars
 Elliott, Nancy
 Gargaszy, Carolyn
 Graham, John
 Hellwig, Steve
 Jasper, Shawn
 Matarazzo, Anthony Sr
 Pepino, Leo
 Slocum, Lee
 Wheeler, James

Barry, J Gail
 Boehm, Ralph
 Carew, James
 Coughlin, Pamela
 Emerton, Larry
 Gibson, John
 Hansen, Ryan
 Hirschmann, Keith
 Johnson, Paula
 Mooney, Maureen
 Reeves, Sandra
 Stepanek, Stephen
 Wheeler, Robert

MERRIMACK

Anderson, Eric
 DeStefano, Stephen
 L'Heureux, Stephen
 McMahon, Patricia

Blanchard, Elizabeth
 Field, William
 Langlais, Thomas
 Oliver, James

Currier, David
 Kidder, David
 MacKay, James
 Rush, Deanna

Danforth, James
 Klose, John
 Maxfield, Roy
 Soltani, Tony

ROCKINGHAM

Abbott, Dennis
 Bridle, Russell
 Carson, Sharon
 Dowling, Patricia
 Flanders, John Sr

Belanger, Ronald
 Buxton, Donald
 Cooney, Richard
 Doyle, Christopher
 Forsing, Robert

Bettencourt, David
 Cady, Harriet
 Dodge, Robert
 Dumaine, Dudley
 Francoeur, Sheila

Bishop, Franklin
 Camm, Kevin
 Dowd, John
 Fesh, Bob
 Garrity, James

Gilbert, Karl	Griffin, Mary	Headd, James	Hoptgarten, Paul
Ingram, Russell	Introne, Robert	Johnson, Robert	Johnson, Rogers
Katsakiores, Phyllis	Kobel, Rudolph	Major, Norman	Mason, April
McMahon, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Parker, Benjamin	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Scamman, Stella	Smith, Paul
Stone, Joseph	Weare, E Albert	Welch, David	Weldy, Norman
Weyler, Kenneth	Wiley, Robert	Winchell, George	Zolla, William

STRAFFORD

Albert, Russell	Callaghan, Frank	Cataldo, Sam	Easson, Timothy
Twombly, James	Wall, Janet		

SULLIVAN

Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
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and the majority committee report was adopted.
Ordered to third reading.

HB 386, relative to agricultural best management practices. **OUGHT TO PASS**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill clarifies the definition of agricultural composting and commercial fertilizer. In addition, it directs the commissioner of the Department of Agriculture, Markets and Food to identify and publish best management practices for handling manure, agricultural compost and commercial fertilizer. Vote 17-1.
Committee report adopted and ordered to third reading.

HB 283, relative to the commission to examine all aspects of same sex civil marriage and its legal equivalents. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James E. Wheeler for the Majority of Judiciary: The majority of the committee believes this bill is unnecessary, the commission is in place, the vacancies are in the process of being filled, and the commission has been informally gathering information and has scheduled a public hearing. The chairman of the commission believes that they can finish their task by the deadline, that new members and a mandate to meet monthly are not needed and if they cannot finish their task they can request a reenactment of the commission in their final report. Vote 12-6.

Rep. Gail C Morrison for the Minority of Judiciary: Last May, after hearings at which hundreds testified indicating interest in the subject, this legislature established a commission to study all aspects of same sex marriage and its equivalents. The commission has met just once in eleven months. When the legislature creates a commission, it does so with certain expectations. This bill assures that regular meetings and hearings will be held in preparation for the report date of December 1, 2005. It amends membership categories, adds members and requires that vacancies be filled. The bill is intended to activate this commission of the legislature.

Rep. Morrison spoke against.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption: of the majority committee report.

YEAS 217 NAYS 133**YEAS 217****BELKNAP**

Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Knox, J David
Martin, James	McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Dexter, Judson
Pelkey, Stephen

Emerson, Susan
Plifka, Stanley Jr

Hogancamp, Deborah
Roberts, Kris

Hunt, John
Sawyer, Sheldon

COOS

King, Frederick
Tholl, John Jr

Morneau, Renney

Remick, William

Stohl, Eric

GRAFTON

Alger, John
Giuda, Robert
Ward, John

Barker, Robert
Ingbreton, Paul
Williams, Burton

Eaton, Stephanie
Maybeck, Margie

Gionet, Edmond
Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Barry, J Gail
Biundo, Michael
Calawa, Leon Jr
Chabot, Robert
Crane, Elenore Casey
Elliott, Nancy
Ginsburg, Ruth
Graham, John
Hellwig, Steve
Infantine, William
Kelly, Eugene Jr
Martin, Mary Ellen
O'Brien, William
Renzullo, Andrew
Shaw, Kimberly
Stepanek, Stephen
Wheeler, James

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Carew, James
Christensen, D L Chris
Desmarais, Vivian
Emerton, Larry
Golding, William
Hansen, Ryan
Hinkle, Peyton
Irwin, Anne-Marie
Kopka, Angeline
McRae, Karen
Ober, Lynne
Rowe, Robert
Slocum, Lee
Tahir, Saghir
Wheeler, Robert

Baines, Stephen
Bergeron, Jean-Guy
Brassard, Paul
Carlson, Donald
Christiansen, Lars
Dokmo, Cynthia
Gargasz, Carolyn
Gonzalez, Carlos
Hawkins, Ken
Hirschmann, Keith
Jasper, Shawn
Kurk, Neal
Mead, Robert
Pilotte, Maurice
Ryder, Donald
Smith, David
Ulery, Jordan

Balboni, Michael
Bergin, Peter
Brundige, Robert
Carter, Mark
Coughlin, Pamela
Dyer, Donald
Gibson, John
Goyette, Peter Jr
Hebert, Raymond
Hunter, Bruce
Johnson, Paula
L'Heureux, Robert
Mooney, Maureen
Reeves, Sandra
Scanlon, Michael
Souza, Kathleen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Klose, John
Marple, Richard

Currier, David
L'Heureux, Stephen
Oliver, James

Danforth, James
Langlais, Thomas
Soltani, Tony

Kidder, David
MacKay, James
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Carson, Sharon
Dodge, Robert
Doyle, Christopher
Forsing, Robert
Gillick, Thomas
Hughes, Daniel
Johnson, Robert
Kobel, Rudolph
McKinney, Betsy
Packard, Sherman
Quandt, Marshall Lee
Sanders, Elisabeth
Stone, Joseph
Weldy, Norman
Winchell, George

Belanger, Ronald
Buxton, Donald
Charron, Gene
Donahue, Richard Ken
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Johnson, Rogers
Lund, Howie
McMahon, Charles
Parker, Benjamin
Quandt, Matthew
Scamman, Stella
Waterhouse, Kevin
Wells, Roger
Zolla, William

Bettencourt, David
Cady, Harriet
Coburn, James
Dowd, John
Fesh, Bob
Garrity, James
Headd, James
Introne, Robert
Katsakiores, George
Major, Norman
Morris, Richard
Priestley, Anne
Rausch, James
Smith, Paul
Weare, E Albert
Weyler, Kenneth

Bishop, Franklin
Camm, Kevin
Cooney, Richard
Dowling, Patricia
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Itse, Daniel
Katsakiores, Phyllis
Mason, April
O'Neil, Michael
Putnam, Ed II
Rolston, James
Stiles, Nancy
Welch, David
Wiley, Robert

STRAFFORD

Albert, Russell
Cataldo, Sam
Easson, Timothy
Knowles, William

Berube, Roger
Chaplin, Duncan
Goodwin, Earle
Newton, Clifford

Bickford, David
Creteau, Irene
Hofemann, Roland
Taylor, Kathleen

Callaghan, Frank
Dunlap, Patricia
Kaen, Naida
Twombly, James

SULLIVAN

Donovan, Thomas
Osgood, Philip Sr

Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

NAYS 133**BELKNAP**

Allen, Janet

Millham, Alida

Morrison, Gail

Russell, David

CARROLL

None

CHESHIRE

Allen, Peter
Eaton, Daniel
Pratt, John
Tilton, Anna

Butcher, Suzanne
Espieffs, Peter
Richardson, Barbara
Weed, Charles

Butynski, William
Foote, Sheila
Robertson, Timothy

Dunn, J Timothy
Parkhurst, Henry
Sinclair, Stephanie

COOS

Mears, Edgar

Merrick, Scott

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Sokol, Hilda

Andersen, Gene
Ham, Bonnie
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Hammond, Lee
Naro, Debra

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Chase, Claudia
Cote, Peter
Egbers, Fran
Goley, Jeffrey
Holden, Randolph
Manney, Pamela
Movsesian, Lori
Ross, Lawrence
Sullivan, Peter

Baroody, Benjamin
Clayton, William
Craig, James
Essex, David
Gorman, Mary
Jean, Claudette
Matarazzo, Anthony Sr
O'Connell, Timothy
Schulze, Joan
Vaillancourt, Steve

Beaulieu, Jane
Clemons, Jane
Daniuk, Caitlin
Foster, Linda
Haley, Robert
Lasky, Bette
Messier, Irene
Pappas, Christopher
Shaw, Barbara
Velez, Hector

Campbell, David
Cote, David
DeVries, Betsi
Garrity, Patrick
Harvey, Suzanne
Lefebvre, Roland
Michon, Stephen
Rochette, Eric
Sullivan, Francis

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Osborne, Jessie
Rush, Deanna
Tupper, Frank

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Clarke, Claire
French, Barbara
Hamm, Christine
Potter, Frances
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Blanchard, MaryAnn
Gould, Kenneth
Pantelakos, Laura
Splaine, James

Cali-Pitts, Jacqueline
Moody, Marcia
Powers, James

Casey, Kimberley
Norelli, Terie
Robertson, Carl

Flockhart, Eileen
Nowe, Ronald
Serlin, Christopher

STRAFFORD

Brown, Jennifer
Domingo, Baldwin
Rous, Emma
Spang, Judith

Brown, Julie
Hilliard, Dana
Schmidt, Peter
Taylor, Katherine

Brown, Lawrence
Keans, Sandra
Smith, Marjorie
Wall, Janet

Cilley, Jacalyn
Miller, Joseph
Snyder, Clair

SULLIVAN

Cloutier, John
Jillette, Arthur Jr

Converse, Larry
Phinizy, James

Franklin, Peter
Prichard, Stephen

Houde-Quimby, Charlotte

and the majority committee report was adopted.

Reps. Dickinson and DiFruscia did not vote and wished to be recorded against.

Rep. Pepino did not vote and wished to be recorded in favor.

HB 318-FN-L, relative to providing municipal water supply services. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: This bill would require a municipal water company to hook up any person within its established area no matter what the situation. There was a request for water hookup in an elderly housing complex in Northfield. Federal funds were obtained to build the senior housing. However, a moratorium on new hookups was established in September 2002 due to possible MTBE contamination created by the increased draw on the aquifer. Within 60 days after the end of the moratorium, those hookups can be made. The moratorium will end when DES and the water companies complete studies of the situation. If the legislature steps in on this, there can be unintended consequences for other water companies. Vote 15-3. Rep. Cady spoke against.

Rep. Patten spoke in favor.

Committee report adopted.

Rep. Biundo declared a conflict of interest and did not participate.

HB 367, allowing municipalities to adopt a homestead exemption for property tax assessments on a person's principal place of residence. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laurie J. Boyce for the Majority of Municipal and County Government: This bill would allow a municipality to adopt a homestead exemption in the amount of \$5,000 by a vote of the legislative body, or if the resident was 65 years of age or older, the exemption would be \$10,000. The bill is well intended but there is already a procedure in place for property tax relief by applying for low and moderate income property tax relief from the state or by applying for an elderly exemption at the local level. This committee went through the property tax exemptions, credits and deferrals during the 2003-2004 session and the legislature made many changes that need to be dealt with at the local level. It is important to realize that if there is an exemption or credit on one parcel of property in a municipality the difference has to be made up by another taxpayer, which is cost shifting. The local municipalities already have the ability to grant property tax relief that is voted on by their legislative bodies. Vote 11-6.

Rep. Nancy L. Johnson for the Minority of Municipal and County Government: The minority of the committee understands that this bill has a number of flaws. However, the concept of allowing municipalities to adopt a homestead exemption on a person's principal place of residence would significantly reduce a resident's property tax. The reduction of property taxes for residence is a goal that has merit and needs to be pursued now and in the future.

Majority committee report adopted.

HB 661-FN, relative to radiological monitoring in nuclear emergency planning zones. **INEXPEDIENT TO LEGISLATE**

Rep. Lee G. Slocum for Science, Technology and Energy: This bill would add real time radiological monitoring devices in New Hampshire communities surrounding Seabrook. The committee feels this bill is unnecessary. The Bureau of Emergency Management testified that the monitoring capabilities at Seabrook are appropriate and in compliance with regulations. The bureau has daily contact with the plant and would be aware of a problem even before any release might occur. In addition, in the opinion of the bureau, if we waited for the radioactive material to travel off site, we would be too late. Seabrook representatives testified that they had over 100 real time monitor-

ing devices on the property and numerous non-real time devices already in the surrounding communities. There has never been a radiological incident at Seabrook and many of the plant families live in the surrounding neighborhoods. Vote 13-1.
Committee report adopted.

HB 118, relative to bicycle helmet use by certain minors. **WITHOUT RECOMMENDATION**
Rep. Scanlon moved Ought to Pass, spoke in favor and yielded to questions.
Rep. Ferland spoke against.
Reps. Cilley and Jennifer Brown spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Danforth moved that **HB 118**, relative to bicycle helmet use by certain minors, be laid on the table, and the motion failed.
Rep. Scanlon requested a roll call; sufficiently seconded.
The question being adoption of the motion of Ought to Pass.

YEAS 202 NAYS 165

YEAS 202

BELKNAP

Boyce, Laurie	Clark, Charles	Flanders, Donald	Heald, Bruce
Millham, Alida	Morrison, Gail	Pilliod, James	Thomas, John
Tilton, Franklin	Wendelboe, Fran		

CARROLL

Ahlgren, Christopher	Buco, Thomas	Knox, J David	Martin, James
McConkey, Mark	Olimpio, J Lisbeth		

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sinclair, Stephanie	Weed, Charles		

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Remick, William
Theberge, Robert			

GRAFTON

Alger, John	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Williams, Burton

HILLSBOROUGH

Baines, Stephen	Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Brassard, Paul	Brundige, Robert
Calawa, Leon Jr	Campbell, David	Carlson, Donald	Chase, Claudia
Cote, David	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Essex, David	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Graham, John	Haley, Robert	Harvey, Suzanne
Irwin, Anne-Marie	Jean, Claudette	Kelly, Eugene Jr	Kopka, Angeline
L'Heureux, Robert	Lasky, Bette	Matarazzo, Anthony Sr	Messier, Irene
Michon, Stephen	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Pilotte, Maurice	Rochette, Eric	Ross, Lawrence	Rowe, Robert
Scanlon, Michael	Schulze, Joan	Smith, David	Sullivan, Francis
Wheeler, Robert			

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
Oliver, James
Reardon, Tara
Tilton, Joy
Yeaton, Charles

Brueggemann, Donald
Foose, Robert
Hamm, Christine
Osborne, Jessie
Rush, Deanna
Wallner, Mary Jane

Clarke, Claire
French, Barbara
MacKay, James
Owen, Derek
Ryan, Jim
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Dumaine, Dudley
Gillick, Thomas
Ingram, Russell
Moody, Marcia
Parker, Benjamin
Rolston, James
Stone, Joseph
Weyler, Kenneth

Blanchard, MaryAnn
Casey, Kimberly
Flockhart, Eileen
Gould, Kenneth
Katsakiores, George
Morris, Richard
Powers, James
Serlin, Christopher
Waterhouse, Kevin
Winchell, George

Bridle, Russell
Coburn, James
Garritty, James
Griffin, Mary
Katsakiores, Phyllis
Norelli, Terie
Priestley, Anne
Splaine, James
Weare, E Albert

Buxton, Donald
Doyle, Christopher
Gilbert, Karl
Hughes, Daniel
Mason, April
O'Neil, Michael
Robertson, Carl
Stiles, Nancy
Weldy, Norman

STRAFFORD

Albert, Russell
Brown, Lawrence
Cilley, Jacalyn
Goodwin, Earle
Kaen, Naida
Rous, Emma
Taylor, Katherine

Berube, Roger
Callaghan, Frank
Creteau, Irene
Hilliard, Dana
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Jennifer
Cataldo, Sam
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Julie
Chaplin, Duncan
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Prichard, Stephen

Franklin, Peter

NAYS 165**BELKNAP**

Allen, Janet
Russell, David

Fitzgerald, James
Tobin, William

Nedean, Stephen
Veazey, John

Rosen, Ralph
Whalley, Michael

CARROLL

Babson, David Jr
Patten, Betsey

Chandler, Gene
Stevens, Stanley

Dickinson, Howard

Morrow, Harry

CHESHIRE

Hunt, John

Pelkey, Stephen

Sawyer, Sheldon

Tilton, Anna

COOS

Lary, Bruce
Stohl, Eric

Merrick, Scott
Tholl, John Jr

Morneau, Renney

Richardson, Herbert

GRAFTON

Barker, Robert
Ingbreton, Paul

Eaton, Stephanie
Maybeck, Margie

Gionet, Edmond
Sorg, Gregory

Giuda, Robert
Ward, John

HILLSBOROUGH

Aboshar, Jeffrey
Batula, Peter

Adams, Jarvis IV
Biundo, Michael

Allan, Nelson
Boehm, Ralph

Balboni, Michael
Buhlman, David

Carew, James
Christiansen, Lars
Crane, Elenore Casey
Emerton, Larry
Goley, Jeffrey
Hansen, Ryan
Hinkle, Peyton
Infantine, William
Lefebvre, Roland
Mead, Robert
Pepino, Leo
Shaw, Barbara
Stepanek, Stephen
Vaillancourt, Steve

Carter, Mark
Clayton, William
DeVries, Betsi
Francoeur, Bea
Gonzalez, Carlos
Hawkins, Ken
Hirschmann, Keith
Jasper, Shawn
Manney, Pamela
Mooney, Maureen
Reeves, Sandra
Shaw, Kimberly
Sullivan, Peter
Velez, Hector

Chabot, Robert
Clemons, Jane
Dyer, Donald
Garrity, Patrick
Gorman, Mary
Hebert, Raymond
Holden, Randolph
Johnson, Paula
Martin, Mary Ellen
Movsesian, Lori
Renzullo, Andrew
Slocum, Lee
Tahir, Saghir
Villeneuve, Maurice

Christensen, D L Chris
Cote, Peter
Elliott, Nancy
Gibson, John
Goyette, Peter Jr
Hellwig, Steve
Hunter, Bruce
Kurk, Neal
McRae, Karen
O'Brien, William
Ryder, Donald
Souza, Kathleen
Ulery, Jordan
Wheeler, James

MERRIMACK

Anderson, Eric
Greco, Vincent
Lockwood, Priscilla
Tupper, Frank

Currier, David
Kidder, David
Marple, Richard
Whiting, Herbert

Danforth, James
Klose, John
Maxfield, Roy

Field, William
Langlais, Thomas
Soltani, Tony

ROCKINGHAM

Belanger, Ronald
Camm, Kevin
DiFruscia, Anthony
Dowling, Patricia
Francoeur, Sheila
Introne, Robert
Kobel, Rudolph
McMahon, Charles
Putnam, Ed II
Sanders, Elisabeth
Wells, Roger

Bettencourt, David
Carson, Sharon
Dodge, Robert
Fesh, Bob
Headd, James
Itse, Daniel
Lund, Howie
Nowe, Ronald
Quandt, Marshall Lee
Scamman, Stella
Wiley, Robert

Bishop, Franklin
Charron, Gene
Donahue, Richard Ken
Flanders, John Sr
Hopfgarten, Paul
Johnson, Robert
Major, Norman
Packard, Sherman
Quandt, Matthew
Smith, Paul
Zolla, William

Cady, Harriet
Cooney, Richard
Dowd, John
Forsing, Robert
Hutchinson, Karen
Johnson, Rogers
McKinney, Betsy
Pantelakos, Laura
Rausch, James
Welch, David

STRAFFORD

Bickford, David
Newton, Clifford

Easson, Timothy
Twombly, James

Heon, Richard

Keans, Sandra

SULLIVAN

Ferland, Brenda
Phinzy, James

Gale, Harry
Rodeschin, Beverly

Irish, Christopher

Osgood, Philip Sr

and the motion of Ought to Pass was adopted.

Ordered to third reading.

Rep. Morneau voted Nay and intended to vote Yea.

HB 593, requiring motor vehicle drivers' schools to post bonds. **INEXPEDIENT TO LEGISLATE**
Rep. James W. Danforth for Transportation: This bill would have required driving schools and independent instructors to post a \$25,000 bond or cash equivalent to cover the cost of instruction should they be unable to complete a course for which they had already been paid. Although the Department of Safety supported this bill, the committee felt that this would impose an unfair burden on smaller independent driving instructors. The testimony did not justify passage of this bill. Vote 11-2. Committee report adopted.

CACR 15, relating to the use of certain revenues. Providing that revenues raised by a statewide property tax, income tax, or general sales tax be used exclusively to support local public schools.

INEXPEDIENT TO LEGISLATE

Rep. Steve Vaillancourt for Ways and Means: This is another in a series of constitutional amendments which would impose restrictions on how future legislatures could either raise or spend

monies. This CACR is even more restrictive than CACR 3, which was killed by the House earlier this year. That CACR mandated that revenues raised from any future income tax would be earmarked exclusively for education funding. This adds a future sales tax and the current statewide property tax to revenue streams which would be limited to education funding. Once again, the committee does not believe such restrictions should be made part of the Constitution. We are asked to restrict use of tax revenue from taxes which do not even exist and may never exist. We are asked to handcuff future legislatures. Beyond that, it becomes clearer all the time that education funding is inextricably linked with the general fund, so such restrictions, even if wise, might prove ineffective. Vote 15-0.

Committee report adopted.

HB 466-FN-A, establishing a research and development tax credit against the business profits tax and the business enterprise tax. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Ways and Means: With the prospect of major cuts in the next biennial budget looming, the committee concluded that now was not the time to reduce state revenues, however laudatory the motive. Vote 17-1.

Rep. Hinkle spoke to the bill and yielded to questions.

Rep. Paul Smith requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 236 NAYS 124

YEAS 236

BELKNAP

Allen, Janet	Flanders, Donald	Heald, Bruce	Willham, Alida
Morrison, Gail	Nedeau, Stephen	Russell, David	Thomas, John
Tilton, Franklin	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Knox, J David
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Hogancamp, Deborah	Hunt, John	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sinclair, Stephanie	Tilton, Anna	Weed, Charles	

COOS

King, Frederick	Mears, Edgar	Merrick, Scott	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie	Gionet, Edmond
Ham, Bonnie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Sorg, Gregory	Ward, John	Williams, Burton	

HILLSBOROUGH

Aboshar, Jeffrey	Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Campbell, David	Carew, James	Carter, Mark	Chabot, Robert
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Emerton, Larry	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary

Haley, Robert
 Jean, Claudette
 Lasky, Bette
 Matarazzo, Anthony Sr
 Ober, Lynne
 Reeves, Sandra
 Schulze, Joan
 Sullivan, Francis
 Wheeler, Robert

Hawkins, Ken
 Johnson, Paula
 Lefebvre, Roland
 Messier, Irene
 Pappas, Christopher
 Rowe, Robert
 Shaw, Barbara
 Vaillancourt, Steve

Hunter, Bruce
 Kurk, Neal
 Manney, Pamela
 Movsesian, Lori
 Pepino, Leo
 Ryder, Donald
 Shaw, Kimberly
 Velez, Hector

Jasper, Shawn
 L'Heureux, Robert
 Martin, Mary Ellen
 O'Connell, Timothy
 Pilotte, Maurice
 Scanlon, Michael
 Smith, David
 Villeneuve, Maurice

MERRIMACK

Anderson, Eric
 DeJoie, John
 Hager, Elizabeth
 McMahon, Patricia
 Rush, Deanna
 Tupper, Frank
 Yeaton, Charles

Bouchard, Candace
 DeStefano, Stephen
 Klose, John
 Osborne, Jessie
 Ryan, Jim
 Wallner, Mary Jane

Clarke, Claire
 Gile, Mary
 Lockwood, Priscilla
 Potter, Frances
 Shurtleff, Stephen
 Walz, Mary Beth

Currier, David
 Greco, Vincent
 MacKay, James
 Reardon, Tara
 Tilton, Joy
 Williams, Robert

ROCKINGHAM

Abbott, Dennis
 Bridle, Russell
 Carson, Sharon
 Dowling, Patricia
 Flanders, John Sr
 Gilbert, Karl
 Hughes, Daniel
 Katsakiores, Phyllis
 Morris, Richard
 Pantelakos, Laura
 Robertson, Carl
 Stone, Joseph
 Wells, Roger

Belanger, Ronald
 Buxton, Donald
 Coburn, James
 Doyle, Christopher
 Flockhart, Eileen
 Gillick, Thomas
 Ingram, Russell
 Major, Norman
 Norelli, Terie
 Parker, Benjamin
 Scamman, Stella
 Weare, E Albert
 Wiley, Robert

Bishop, Franklin
 Cali-Pitts, Jacqueline
 Cooney, Richard
 Dumaine, Dudley
 Francoeur, Sheila
 Gould, Kenneth
 Johnson, Robert
 Mason, April
 Nowe, Ronald
 Priestley, Anne
 Serlin, Christopher
 Welch, David
 Zolla, William

Blanchard, MaryAnn
 Camm, Kevin
 Dowd, John
 Fesh, Bob
 Garrity, James
 Griffin, Mary
 Katsakiores, George
 McKinney, Betsy
 Packard, Sherman
 Rausch, James
 Stiles, Nancy
 Weldy, Norman

STRAFFORD

Albert, Russell
 Brown, Lawrence
 Goodwin, Earle
 Johnson, Nancy
 Miller, Joseph
 Snyder, Clair
 Wall, Janet

Berube, Roger
 Callaghan, Frank
 Heon, Richard
 Kaen, Naida
 Rous, Emma
 Spang, Judith

Bickford, David
 Domingo, Baldwin
 Hilliard, Dana
 Keans, Sandra
 Schmidt, Peter
 Taylor, Katherine

Brown, Julie
 Dunlap, Patricia
 Hofemann, Roland
 Knowles, William
 Smith, Marjorie
 Taylor, Kathleen

SULLIVAN

Cloutier, John
 Gale, Harry
 Phinizy, James

Donovan, Thomas
 Houde-Quimby, Charlotte
 Rodeschin, Beverly

Ferland, Brenda
 Jillette, Arthur Jr

Franklin, Peter
 Osgood, Philip Sr

NAYS 124

BELKNAP

Boyce, Laurie
 Rosen, Ralph

Clark, Charles
 Tobin, William

Fitzgerald, James
 Veazey, John

Pilliod, James

CARROLL

Buco, Thomas

Dickinson, Howard

Martin, James

Morrow, Harry

CHESHIRE

Foote, Sheila

Pelkey, Stephen

Sawyer, Sheldon

COOS

Buzzell, Bernard	Lary, Bruce	Morneau, Renney	Remick, William
------------------	-------------	-----------------	-----------------

GRAFTON

Alger, John	Giuda, Robert	Ingbreton, Paul	Maybeck, Margie
Solomon, Peter			

HILLSBOROUGH

Adams, Jarvis IV	Baines, Stephen	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Buhlman, David
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Crane, Elenore Casey
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dyer, Donald
Elliott, Nancy	Essex, David	Francoeur, Bea	Gibson, John
Gonzalez, Carlos	Goyette, Peter Jr	Graham, John	Hansen, Ryan
Harvey, Suzanne	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Holden, Randolph	Infantine, William	Irwin, Anne-Marie
Kopka, Angeline	McRae, Karen	Mead, Robert	Michon, Stephen
Mooney, Maureen	O'Brien, William	Renzullo, Andrew	Rochette, Eric
Ross, Lawrence	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Sullivan, Peter	Tahir, Saghir	Ulery, Jordan	Wheeler, James

MERRIMACK

Blanchard, Elizabeth	Brueggemann, Donald	Danforth, James	Field, William
Foose, Robert	French, Barbara	Hamm, Christine	Kidder, David
Langlais, Thomas	Marple, Richard	Soltani, Tony	Whiting, Herbert

ROCKINGHAM

Bettencourt, David	Cady, Harriet	Casey, Kimberley	Charron, Gene
DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken	Forsing, Robert
Headd, James	Hopfgarten, Paul	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Johnson, Rogers	Kobel, Rudolph	Lund, Howie
McMahon, Charles	Moody, Marcia	Powers, James	Putnam, Ed II
Quandt, Marshall Lee	Quandt, Matthew	Rolston, James	Sanders, Elisabeth
Smith, Paul	Splaine, James	Waterhouse, Kevin	Weyler, Kenneth
Winchell, George			

STRAFFORD

Brown, Jennifer	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Creteau, Irene	Easson, Timothy	Newton, Clifford	Rollo, Michael
Twombly, James			

SULLIVAN

Converse, Larry	Irish, Christopher	Prichard, Stephen
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and the committee report was adopted.

Rep. Claudia Chase declared a conflict of interest and did not participate.

HB 522, establishing a committee to study gaming options for New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Ways and Means: The majority of the committee, including those in favor and opposed to bringing slots into our state, agreed that it was time to do a thorough study of the huge amount of conflicting information on the costs and benefits of slot-machine and other casino gambling developed in the last decade, as it applies to New Hampshire. The amendment adds to the duties a requirement to study the economic and social costs, and the estimation of revenue ranges and revenue losses due to expected competition were our state to legalize slot machines. It also requests the speaker and senate president to appoint a balance of opponents and proponents to the study committee. Vote 14-4.

Amendment (0421h)

Amend subparagraphs I(a) and I(b) of section 2 of the bill by replacing them with the following:

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives, two of which shall be proponents of casino gambling, two of which shall be opponents of casino gambling, and the remaining member shall be initially undecided.

(b) Five members of the senate, appointed by the president of the senate, two of which shall be proponents of casino gambling, two of which shall be opponents of casino gambling, and the remaining member shall be initially undecided.

Amend paragraph IV of section 3 of the bill by inserting after subparagraph (f) the following new subparagraph:

(g) Recognized experts on the subject of the economic and social effects of casino operations.

Amend section 3 of the bill by inserting after paragraph IV the following new paragraphs:

V. Evaluate the total revenues attainable by the state given existing market conditions and assuming projections of additional casinos and casino expansion in adjacent states.

VI. Determine and quantify, to the extent possible, the social and economic affects of casinos in various sites around the state on the state, county, and local governments, and on tourism and other industries, including but not limited to:

(a) Property crimes.

(b) Crimes against persons.

(c) Social welfare costs.

(d) Competition for entertainment market share.

Adopted.

Committee report adopted and ordered to third reading.

HB 563-FN-A, increasing the tobacco tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kevin L. Camm for the Majority of Ways and Means: This bill would require the commissioner of revenue administration to set the tobacco tax rate annually, on July 1, at a rate that is 25 percent below the lowest tax rate of our three neighboring states. A majority of the committee had many problems with such a scheme. It enables an executive branch official to raise taxes without approval of a future legislative body. It allows our tax policy on tobacco to be controlled by out of state legislators who are not elected by New Hampshire citizens. It removes those affected by the tobacco tax from due process that all the other taxpayer interests enjoy. It erodes the governor's power to veto tax increases. It makes the legislature faceless and nameless in regards to raising taxes. The majority of the committee felt it best to leave the procedure for raising all taxes as they are. Vote 10-8.

Rep. William Butynski for the Minority of Ways and Means: Passage of this bill would provide increased revenue to New Hampshire of approximately \$52.9 million during fiscal year 2006, and likely more in future years. We have a budget deficit which cannot be solved without tax increases. This bill protects the New Hampshire tax advantage for our retailers by annually raising the tobacco tax to a level that is 25 percent below the combined tobacco and sales tax of the state on New Hampshire's border which has the lowest total tax. Under this formula, New Hampshire's cigarette taxes would increase by 36 cents per pack (from 52 cents to 88 cents) as of July 1, 2005 – well below our largest neighbor. Finally, this increase in the cigarette tax would reduce youth initiation of tobacco use, encourage some current smokers to quit, and thus result in a long term reduction in New Hampshire's Medicaid costs.

Rep. Butynski spoke against and yielded to questions.

Rep. Camm spoke in favor.

(Deputy Speaker Weyler in the Chair)

LAID ON THE TABLE

Reps. Major and Pratt moved that **HB 563-FN-A**, increasing the tobacco tax, be laid on the table. Adopted.

REGULAR CALENDAR (CONT'D.)

HB 576, establishing a New Hampshire advantage commission. **INEXPEDIENT TO LEGISLATE**
Rep. Shawn N. Jasper for Ways and Means: The idea of a commission to study tax incentives offered within and outside of the United States has some real appeal, but without a substantial appropriation to support such a mammoth undertaking, it is beyond the practical ability of a group of already busy individuals to accomplish by November 1, 2006. Vote 15-0.
Committee report adopted.

BILLS REMOVED FROM CONSENT CALENDAR**HB 38, relative to credit card theft. OUGHT TO PASS WITH AMENDMENT**

Rep. George D. Winchell for Criminal Justice and Public Safety: This amended bill includes personal checks and credit cards in the Theft: Definitions statute, RSA 637:2, V, and places a value of \$250.00 on each stolen check or credit card in one's possession. Under current statute, checks and credit cards have no value until they are tendered for goods or services. The committee heard testimony of cases where individuals were caught in possession of stolen checks and credit cards and could not be charged under current law. The committee voted to fix this problem. Vote 16-1.

Amendment (0097h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the value of a stolen credit card or stolen blank check.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Theft; Definitions. Amend RSA 637:2, V by inserting after subparagraph (b) the following new subparagraph:

(c) For the purposes of this chapter, the value of a credit card shall be the unused amount of credit at the time the actor obtained such credit card, and the value of a blank check shall be the amount of funds in the account at the time the actor obtained such check.

AMENDED ANALYSIS

This bill clarifies the value of a stolen credit card or check for the purposes of the theft statute. Rep. Welch spoke against.

Amendment failed.

Rep. Welch offered floor amendment (0817h) and spoke in favor.

Floor Amendment (0817h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to theft of personal checks and credit cards.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Theft; Definitions. Amend RSA 637:2, V by inserting after subparagraph (b) the following new subparagraph:

(c) Each personal check or credit card shall have a value of \$250.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies the applicability of the theft statute to personal checks and credit cards and assigns a value to each for the purpose of determining penalties.

Floor amendment (0817h) adopted.

Committee report adopted and ordered to third reading.

HB 636-FN, requiring the electronic recording of statements by persons subject to custodial interrogation. INEXPEDIENT TO LEGISLATE

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill attempts to create a solution to a problem that does not seem to exist. Credibility of witnesses is the province of the jury and it attempts to create a right that the Supreme Court has already ruled does not exist. It mandates what the Court would not. Vote 12-3.

Rep. Timothy Robertson spoke against.

Rep. Stevens spoke in favor.

Committee report adopted.

HB 151, requiring school districts to develop a school age nutrition and physical activity committee. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy F. Stiles for Education: This bill requires local school districts to develop an advisory committee or use an existing committee, to develop a policy on nutrition and physical activity during the school day. The amendment removes a restriction on committee membership and eliminates a mandate in the bill. There was overwhelming support for the bill from many health organizations. Vote 12-3.

Amendment (0559h)

Amend RSA 189:11-a, VII(a) as inserted by section 1 of the bill by replacing it with the following:

VII.(a) Each school board shall establish, maintain, or utilize existing committees to form a school age nutrition and physical activity advisory committee which shall develop school district policy on nutrition and physical activity during the school day. The committee may include food service directors, health education and physical education faculty, school nurses, parents, pupils, nutritionists, health care professionals, a school administration representative, and community members, in such proportions as deemed appropriate and available by the school board. The committee shall submit its policies, recommendations, or reports annually to the school board. A summary of the policy shall be made available in print or electronic form to the community no later than July 1, 2006. When aggregate data on the height, weight, and fitness scores for New Hampshire's school children is made available to the department of education, the department shall provide a link to such data on its website.

Amend RSA 189:11-a, VII(b)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) Food quality and choices.

Amend RSA 189:11-a, VII (b)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) Addressing physical activity of all pupils and recommending that all pupils engage in physical activity throughout the school day.

Amendment adopted.

Reps. Boehm and Ober spoke against.

Rep. Hess yielded to questions.

Reps. Stiles and French spoke in favor.

(Speaker Scamman in the Chair)

Rep. Danforth requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 189 NAYS 162**YEAS 189****BELKNAP**

Fitzgerald, James
Pilliod, James

Flanders, Donald
Rosen, Ralph

Hald, Bruce
Russell, David

Morrison, Gail
Thomas, John

CARROLL

Ahlgren, Christopher
McConkey, Mark

Buco, Thomas
Olimpio, J Lisbeth

Dickinson, Howard
Patten, Betsey

Martin, James
Stevens, Stanley

CHESHIRE

Allen, Peter
Eaton, Daniel
Hogancamp, Deborah
Richardson, Barbara

Butcher, Suzanne
Emerson, Susan
Hunt, John
Roberts, Kris

Butynski, William
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

Dunn, J Timothy
Foote, Sheila
Pratt, John

COOS

Mears, Edgar
Tholl, John Jr

Merrick, Scott

Morneau, Renney

Remick, William

GRAFTON

Almy, Susan
Hammond, Lee
Naro, Debra

Andersen, Gene
Harding, A Laurie
Nordgren, Sharon

Benn, Bernard
McLeod, Martha
Sokol, Hilda

Cooney, Mary
Mulholland, Catherine
Ward, John

HILLSBOROUGH

Baroody, Benjamin
Brundige, Robert
Cote, David

Batula, Peter
Carter, Mark
Cote, Peter

Beaulieu, Jane
Chase, Claudia
Daniuk, Caitlin

Brassard, Paul
Clayton, William
Desmarais, Vivian

DeVries, Betsi
Gargas, Carolyn
Goley, Jeffrey
Harvey, Suzanne
Jasper, Shawn
Martin, Mary Ellen
Pilotte, Maurice
Sullivan, Peter

Dokmo, Cynthia
Garrity, Patrick
Gonzalez, Carlos
Hinkle, Peyton
Kopka, Angeline
Matarazzo, Anthony Sr
Scanlon, Michael
Ulery, Jordan

Dyer, Donald
Ginsburg, Ruth
Haley, Robert
Holden, Randolph
Lasky, Bette
Movsesian, Lori
Schulze, Joan
Velez, Hector

Foster, Linda
Golding, William
Hansen, Ryan
Irwin, Anne-Marie
Lefebvre, Roland
Pappas, Christopher
Smith, David
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Hamm, Christine
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Hess, David
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
MacKay, James
Reardon, Tara
Tilton, Joy
Whiting, Herbert

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Dowd, John
Francoeur, Sheila
Katsakiores, George
Mason, April
Pantelakos, Laura
Rolston, James
Stiles, Nancy
Weyler, Kenneth

Belanger, Ronald
Cali-Pitts, Jacqueline
Doyle, Christopher
Gillick, Thomas
Katsakiores, Phyllis
Morris, Richard
Powers, James
Scamman, Stella
Stone, Joseph
Wiley, Robert

Blanchard, MaryAnn
Casey, Kimberley
Flanders, John Sr
Gould, Kenneth
Kobel, Rudolph
Norelli, Terie
Priestley, Anne
Serlin, Christopher
Weare, E Albert
Winchell, George

Bridle, Russell
DiFruscia, Anthony
Flockhart, Eileen
Johnson, Robert
Major, Norman
O'Neil, Michael
Robertson, Carl
Splaine, James
Weldy, Norman

STRAFFORD

Albert, Russell
Chaplin, Duncan
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Lawrence
Goodwin, Earle
Johnson, Nancy
Rollo, Michael
Snyder, Clair
Wall, Janet

Callaghan, Frank
Heon, Richard
Kaen, Naida
Rous, Emma
Spang, Judith

Cataldo, Sam
Hilliard, Dana
Keans, Sandra
Schmidt, Peter
Taylor, Katherine

SULLIVAN

Cloutier, John
Jillette, Arthur Jr

Donovan, Thomas
Phinizy, James

Franklin, Peter
Prichard, Stephen

Houde-Quimby, Charlotte

NAYS 162

BELKNAP

Allen, Janet
Nedeau, Stephen
Wendelboe, Fran

Boyce, Laurie
Tilton, Franklin
Whalley, Michael

Clark, Charles
Tobin, William

Millham, Alida
Veazey, John

CARROLL

Babson, David Jr

Chandler, Gene

Knox, J David

Morrow, Harry

CHESHIRE

Dexter, Judson
Sinclair, Stephanie

Parkhurst, Henry
Tilton, Anna

Pelkey, Stephen

Sawyer, Sheldon

COOS

Buzzell, Bernard
Stohl, Eric

King, Frederick
Theberge, Robert

Lary, Bruce

Richardson, Herbert

GRAFTON

Alger, John	Barker, Robert	Bleyler, Ruth	Eaton, Stephanie
Giuda, Robert	Ingretson, Paul	Maybeck, Margie	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Buhlman, David	Calawa, Leon Jr	Carew, James	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Egbers, Fran	Elliott, Nancy	Essex, David
Francoeur, Bea	Gibson, John	Gorman, Mary	Goyette, Peter Jr
Graham, John	Hawkins, Ken	Hebert, Raymond	Hellwig, Steve
Hirschmann, Keith	Hunter, Bruce	Infantine, William	Jean, Claudette
Johnson, Paula	Kurk, Neal	L'Heureux, Robert	Manney, Pamela
McRae, Karen	Mead, Robert	Messier, Irene	Michon, Stephen
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pepino, Leo	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Vaillancourt, Steve	Wheeler, James	Wheeler, Robert

MERRIMACK

Currier, David	Danforth, James	Field, William	Kidder, David
Klose, John	Langlais, Thomas	Lockwood, Priscilla	Marple, Richard
Oliver, James	Soltani, Tony		

ROCKINGHAM

Bettencourt, David	Bishop, Franklin	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Donahue, Richard Ken	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Forsing, Robert	Garrity, James	Gilbert, Karl	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Introne, Robert	Itse, Daniel	Lund, Howie	McKinney, Betsy
McMahon, Charles	Moody, Marcia	Nowe, Ronald	Packard, Sherman
Parker, Benjamin	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Sanders, Elisabeth	Smith, Paul	Waterhouse, Kevin
Welch, David	Wells, Roger	Zolla, William	

STRAFFORD

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Easson, Timothy	Knowles, William	Newton, Clifford	Twombly, James

SULLIVAN

Converse, Larry	Ferland, Brenda	Gale, Harry	Irish, Christopher
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Osgood, Philip Sr
and the committee report was adopted.
Ordered to third reading.

Rep. Solomon did not vote and wished to be recorded in favor.

CACR 19, relating to representation in cities and towns whose population is equal to, or greater than, the minimum number of persons per house district. Providing that a city or town shall have at least one representative from the city or town if its population is equal to or greater than the apportionment figure for house districts. **INEXPEDIENT TO LEGISLATE**

Rep. William L. O'Brien for Election Law: This proposed constitutional amendment concurrent resolution would require that each town or city that has a population with a minimum number of

people to elect one representative to the general court shall elect at least one such representative without combining such representation with any other town or city. The majority disagreed with this approach because the only way to implement it would be to use floterial districts that would provide certain small towns with diluted representation and therefore are, or likely may be, held unconstitutional. The solution to this legitimate concern addressed by this CACR cannot be implemented. Vote 14-1.

Rep. Vaillancourt spoke against and yielded to questions.

Reps. Itse and Chaplin spoke against.

Rep. Whalley spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 244 NAYS 101

YEAS 244

BELKNAP

Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Whalley, Michael

CARROLL

Ahlgren, Christopher	Buco, Thomas	Chandler, Gene	Martin, James
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

CHESHIRE

Allen, Peter	Butcher, Suzanne	Dunn, J Timothy	Eaton, Daniel
Emerson, Susan	Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah
Parkhurst, Henry	Pelkey, Stephen	Sawyer, Sheldon	Sinclair, Stephanie
Tilton, Anna			

COOS

King, Frederick	Lary, Bruce	Mears, Edgar	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	

GRAFTON

Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie	Giuda, Robert
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Biundo, Michael	Brassard, Paul	Brundige, Robert	Carew, James
Carlson, Donald	Carter, Mark	Chabot, Robert	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clayton, William	Cote, David
Cote, Peter	Coughlin, Pamela	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Haley, Robert	Hansen, Ryan
Harvey, Suzanne	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Hunter, Bruce	Infantine, William	Jasper, Shawn	Kopka, Angelina
Lasky, Bette	Lefebvre, Roland	Manney, Pamela	Mead, Robert
Michon, Stephen	Mooney, Maureen	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pappas, Christopher	Pilotte, Maurice

Reeves, Sandra
 Ryder, Donald
 Stepanek, Stephen
 Wheeler, Robert

Rochette, Eric
 Schulze, Joan
 Tahir, Saghir

Ross, Lawrence
 Slocum, Lee
 Ulery, Jordan

Rowe, Robert
 Smith, David
 Villeneuve, Maurice

MERRIMACK

Anderson, Eric
 Clarke, Claire
 DeStefano, Stephen
 Hamm, Christine
 Langlais, Thomas
 McMahon, Patricia
 Ryan, Jim
 Wallner, Mary Jane

Blanchard, Elizabeth
 Currier, David
 Field, William
 Kidder, David
 Lockwood, Priscilla
 Oliver, James
 Shurtleff, Stephen
 Walz, Mary Beth

Bouchard, Candace
 Danforth, James
 French, Barbara
 Klose, John
 MacKay, James
 Osborne, Jessie
 Tilton, Joy
 Williams, Robert

Brueggemann, Donald
 DeJoie, John
 Gile, Mary
 L'Heureux, Stephen
 Marple, Richard
 Potter, Frances
 Tupper, Frank
 Yeaton, Charles

ROCKINGHAM

Belanger, Ronald
 Cady, Harriet
 Coburn, James
 Doyle, Christopher
 Forsing, Robert
 Gould, Kenneth
 Introne, Robert
 Major, Norman
 Moody, Marcia
 O'Neil, Michael
 Putnam, Ed II
 Scamman, Stella
 Waterhouse, Kevin
 Weyler, Kenneth

Bettencourt, David
 Cali-Pitts, Jacqueline
 Cooney, Richard
 Fesh, Bob
 Francoeur, Sheila
 Griffin, Mary
 Katsakiores, George
 Mason, April
 Morris, Richard
 Packard, Sherman
 Rausch, James
 Smith, Paul
 Weare, E Albert
 Wiley, Robert

Bishop, Franklin
 Casey, Kimberley
 Dowd, John
 Flanders, John Sr
 Garrity, James
 Headd, James
 Katsakiores, Phyllis
 McKinney, Betsy
 Norelli, Terie
 Powers, James
 Rolston, James
 Stiles, Nancy
 Weldy, Norman
 Winchell, George

Blanchard, MaryAnn
 Charron, Gene
 Dowling, Patricia
 Flockhart, Eileen
 Gillick, Thomas
 Ingram, Russell
 Kobel, Rudolph
 McMahon, Charles
 Nowe, Ronald
 Priestley, Anne
 Sanders, Elisabeth
 Stone, Joseph
 Wells, Roger
 Zolla, William

STRAFFORD

Albert, Russell
 Callaghan, Frank
 Dunlap, Patricia
 Johnson, Nancy
 Schmidt, Peter
 Taylor, Katherine

Berube, Roger
 Cataldo, Sam
 Goodwin, Earle
 Miller, Joseph
 Smith, Marjorie
 Taylor, Kathleen

Brown, Jennifer
 Creteau, Irene
 Heon, Richard
 Newton, Clifford
 Snyder, Clair
 Twombly, James

Brown, Lawrence
 Domingo, Baldwin
 Hofemann, Roland
 Rous, Emma
 Spang, Judith
 Wall, Janet

SULLIVAN

Cloutier, John
 Jillette, Arthur Jr

Franklin, Peter
 Phinizy, James

Gale, Harry
 Prichard, Stephen

Irish, Christopher
 Rodeschin, Beverly

NAYS 101

BELKNAP

Boyce, Laurie

Wendelboe, Fran

CARROLL

Babson, David Jr

Dickinson, Howard

Knox, J David

McConkey, Mark

CHESHIRE

Butynski, William
 Pratt, John

Dexter, Judson
 Richardson, Barbara

Hunt, John
 Roberts, Kris

Plifka, Stanley Jr
 Robertson, Timothy

COOS

Buzzell, Bernard

Merrick, Scott

Theberge, Robert

Tholl, John Jr

GRAFTON

Alger, John
 Sorg, Gregory

Ingbretson, Paul
 Ward, John

Maybeck, Margie
 Williams, Burton

Mulholland, Catherine

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Bergeron, Jean-Guy
Boehm, Ralph	Buhlman, David	Calawa, Leon Jr	Crane, Elenore Casey
Daniuk, Caitlin	Dyer, Donald	Egbers, Fran	Essex, David
Garrity, Patrick	Gibson, John	Golding, William	Gonzalez, Carlos
Goyette, Peter Jr	Hawkins, Ken	Hebert, Raymond	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula	Kurk, Neal
Martin, Mary Ellen	Matarazzo, Anthony Sr	McRae, Karen	Messier, Irene
Renzullo, Andrew	Scanlon, Michael	Shaw, Barbara	Shaw, Kimberly
Souza, Kathleen	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector
Wheeler, James			

MERRIMACK

Foose, Robert	Greco, Vincent	Reardon, Tara	Rush, Deanna
Soltani, Tony	Whiting, Herbert		

ROCKINGHAM

Abbott, Dennis	Buxton, Donald	Camm, Kevin	Carson, Sharon
DiFruscia, Anthony	Dumaine, Dudley	Hopfgarten, Paul	Hughes, Daniel
Itse, Daniel	Johnson, Robert	Lund, Howie	Parker, Benjamin
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Serlin, Christopher
Splaine, James	Welch, David		

STRAFFORD

Bickford, David	Brown, Julie	Chaplin, Duncan	Cilley, Jacalyn
Easson, Timothy	Hilliard, Dana	Kaen, Naida	Keans, Sandra
Knowles, William	Rollo, Michael		

SULLIVAN

Converse, Larry	Donovan, Thomas	Ferland, Brenda	Houde-Quimby, Charlotte
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Osgood, Philip Sr

and the committee report was adopted.

Rep. Bergin did not vote and wished to be recorded in favor.

HB 521, relative to medical insurance coverage for members of the Manchester employees' contributory retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice L. Pilote for Executive Departments and Administration: The Manchester system originated in the state legislature and as such all changes thereto must also originate in the state legislature. This bill increases the medical subsidy for retired employees and as such will go before the voters of Manchester in a city wide referendum once approved by the state. The amendment to this bill simply reschedules employee payments and benefits to facilitate implementation. Vote 18-0.

Amendment (0719h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. Section 2 of this act, relative to the referendum, shall take effect upon its passage. If the provisions of section 1 of this act shall be adopted as provided in section 2, said provisions shall be declared adopted and shall become effective as follows:

I. Creation of the 401(h) subtrust pursuant to 218:28 as inserted by section 1 of this act and contributions by the member shall commence 90 days after the date of the election.

II. Contributions by the employer shall commence with payrolls paid after July 1, 2006.

III. Commencement of benefits to retirees in the form of subsidies paid to their former employer shall commence with remittances made after July 1, 2006 for group health insurance purposes.

Adopted.

Reps. Infantine and Hirschmann spoke against.

Reps. Baroody and Zolla spoke in favor.

Rep. Adams requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 281 NAYS 49**YEAS 281****BELKNAP**

Allen, Janet
Heald, Bruce
Pilliod, James
Tilton, Franklin
Whalley, Michael

Clark, Charles
Millham, Alida
Rosen, Ralph
Tobin, William

Fitzgerald, James
Morrison, Gail
Russell, David
Veazey, John

Flanders, Donald
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Stevens, Stanley

CHESHIRE

Allen, Peter
Dunn, J Timothy
Foote, Sheila
Plifka, Stanley Jr
Sawyer, Sheldon

Butcher, Suzanne
Eaton, Daniel
Hogancamp, Deborah
Richardson, Barbara
Sinclair, Stephanie

Butynski, William
Emerson, Susan
Parkhurst, Henry
Roberts, Kris
Tilton, Anna

Dexter, Judson
Espiefs, Peter
Pelkey, Stephen
Robertson, Timothy

COOS

Buzzell, Bernard
Morneau, Renney
Theberge, Robert

King, Frederick
Remick, William
Tholl, John Jr

Mears, Edgar
Richardson, Herbert

Merrick, Scott
Stohl, Eric

GRAFTON

Alger, John
Bleyler, Ruth
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Almy, Susan
Cooney, Mary
Ingbretson, Paul
Naro, Debra
Sorg, Gregory

Andersen, Gene
Eaton, Stephanie
Maybeck, Margie
Nordgren, Sharon
Ward, John

Benn, Bernard
Hammond, Lee
McLeod, Martha
Sokol, Hilda

HILLSBOROUGH

Aboshar, Jeffrey
Beaulieu, Jane
Brundige, Robert
Carter, Mark
Clayton, William
Crane, Elenore Casey
Essex, David
Ginsburg, Ruth
Graham, John
Hellwig, Steve
Jasper, Shawn
Lasky, Bette
Matarazzo, Anthony Sr
O'Connell, Timothy
Rochette, Eric
Shaw, Barbara
Stepanek, Stephen
Villeneuve, Maurice

Allan, Nelson
Bergeron, Jean-Guy
Buhlman, David
Chabot, Robert
Cote, David
Daniuk, Caitlin
Foster, Linda
Goley, Jeffrey
Haley, Robert
Holden, Randolph
Jean, Claudette
Lefebvre, Roland
McRae, Karen
Pappas, Christopher
Rowe, Robert
Shaw, Kimberly
Sullivan, Peter
Wheeler, Robert

Baroody, Benjamin
Bergin, Peter
Calawa, Leon Jr
Chase, Claudia
Cote, Peter
Dokmo, Cynthia
Gargas, Carolyn
Gonzalez, Carlos
Harvey, Suzanne
Infantine, William
Kopka, Angeline
Manney, Pamela
Messier, Irene
Pilotte, Maurice
Ryder, Donald
Smith, David
Ulery, Jordan

Batula, Peter
Brassard, Paul
Carlson, Donald
Christensen, D L Chris
Coughlin, Pamela
Egbers, Fran
Garrity, Patrick
Gorman, Mary
Hawkins, Ken
Irwin, Anne-Marie
Kurk, Neal
Martin, Mary Ellen
Movsesian, Lori
Reeves, Sandra
Schulze, Joan
Souza, Kathleen
Velez, Hector

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent

Clarke, Claire
Foose, Robert
Hager, Elizabeth

Danforth, James
French, Barbara
Hamm, Christine

DeJoie, John
Gile, Mary
Kidder, David

Klose, John
MacKay, James
Rush, Deanna
Tupper, Frank
Williams, Robert

L'Heureux, Stephen
McMahon, Patricia
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Langlais, Thomas
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

Lockwood, Priscilla
Potter, Frances
Tilton, Joy
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Casey, Kimberley
DiFruscia, Anthony
Dumaine, Dudley
Francoeur, Sheila
Headd, James
Itse, Daniel
Kobel, Rudolph
McKinney, Betsy
Norelli, Terie
Parker, Benjamin
Quandt, Matthew
Sanders, Elisabeth
Stiles, Nancy
Welch, David
Wiley, Robert

Belanger, Ronald
Cady, Harriet
Charron, Gene
Dodge, Robert
Fesh, Bob
Gillick, Thomas
Hughes, Daniel
Johnson, Robert
Lund, Howie
McMahon, Charles
Nowe, Ronald
Powers, James
Rausch, James
Serlin, Christopher
Stone, Joseph
Weldy, Norman
Winchell, George

Bettencourt, David
Cali-Pitts, Jacqueline
Coburn, James
Dowd, John
Flanders, John Sr
Gould, Kenneth
Ingram, Russell
Katsakiores, George
Major, Norman
Moody, Marcia
O'Neil, Michael
Priestley, Anne
Robertson, Carl
Smith, Paul
Waterhouse, Kevin
Wells, Roger
Zolla, William

Blanchard, MaryAnn
Camm, Kevin
Cooney, Richard
Dowling, Patricia
Forsing, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Mason, April
Morris, Richard
Packard, Sherman
Quandt, Marshall Lee
Rolston, James
Splaine, James
Weare, E Albert
Weyler, Kenneth

STRAFFORD

Berube, Roger
Brown, Lawrence
Creteau, Irene
Heon, Richard
Keans, Sandra
Schmidt, Peter
Taylor, Kathleen

Bickford, David
Callaghan, Frank
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Jennifer
Cataldo, Sam
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Snyder, Clair

Brown, Julie
Chaplin, Duncan
Easson, Timothy
Kaen, Naida
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

NAYS 49 BELKNAP

Boyce, Laurie

None

CARROLL

Hunt, John

CHESHIRE

COOS

None

GRAFTON

Giuda, Robert

Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Carew, James
Drisko, Richard
Gibson, John

Balboni, Michael
Christiansen, Lars
Dyer, Donald
Golding, William

Biundo, Michael
Desmarais, Vivian
Elliott, Nancy
Goyette, Peter Jr

Boehm, Ralph
DeVries, Betsy
Francoeur, Bea
Hebert, Raymond

Hinkle, Peyton
O'Brien, William
Slocum, Lee

Hirschmann, Keith
Ober, Lynne
Tahir, Saghir

Mead, Robert
Renzullo, Andrew
Vaillancourt, Steve

Mooney, Maureen
Scanlon, Michael
Wheeler, James

MERRIMACK

Anderson, Eric
Marple, Richard

Blanchard, Elizabeth
Oliver, James

Currier, David
Soltani, Tony

Field, William

ROCKINGHAM

Carson, Sharon
Scamman, Stella

Flockhart, Eileen

Garrity, James

Hopfgarten, Paul

STRAFFORD

Albert, Russell

Newton, Clifford

Twombly, James

SULLIVAN

Irish, Christopher
and the committee report was adopted.
Ordered to third reading.

CACR 1, relating to taxation. Providing that the maximum increase in any budget bill in the state or its political subdivisions shall be limited by the rates of inflation and population growth unless overridden. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth S. Hager for Finance: No evidence or third party testimony was presented to the committee in support of any benefits to be derived from this legislation. The majority of the committee concluded that this proposed constitutional amendment would unduly restrict the legislature's ability to fully consider and respond to future revenue and spending requirements and thus it would not serve the best interests of all of the state's citizens. The committee also considered commentary from several of its members that the only other state that has enacted a similar constitutional provision, Colorado, has experienced a serious fiscal crisis that is still unresolved. Vote 22-1.

Rep. Camm spoke against.

Rep. Hager spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 251 NAYS 72

YEAS 251

BELKNAP

Allen, Janet
Heald, Bruce
Pilliod, James
Tobin, William

Clark, Charles
Millham, Alida
Rosen, Ralph
Veazey, John

Fitzgerald, James
Morrison, Gail
Russell, David
Whalley, Michael

Flanders, Donald
Nedeau, Stephen
Thomas, John

CARROLL

Ahlgren, Christopher
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Stevens, Stanley

Dickinson, Howard
Morrow, Harry

CHESHIRE

Allen, Peter
Dunn, J Timothy
Hogancamp, Deborah
Richardson, Barbara
Sinclair, Stephanie

Butcher, Suzanne
Eaton, Daniel
Hunt, John
Roberts, Kris
Tilton, Anna

Butynski, William
Espiefs, Peter
Parkhurst, Henry
Robertson, Timothy

Dexter, Judson
Foote, Sheila
Plifka, Stanley Jr
Sawyer, Sheldon

COOS

Buzzell, Bernard
Remick, William
Tholl, John Jr

King, Frederick
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Merrick, Scott
Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Sokol, Hilda

Andersen, Gene
Eaton, Stephanie
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Hammond, Lee
Naro, Debra
Ward, John

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Brassard, Paul
Carter, Mark
Cote, David
Desmarais, Vivian
Dyer, Donald
Gargas, Carolyn
Goley, Jeffrey
Holden, Randolph
Jean, Claudette
Lefebvre, Roland
Messier, Irene
Pilotte, Maurice
Scanlon, Michael
Vaillancourt, Steve

Baroody, Benjamin
Brundige, Robert
Chabot, Robert
Cote, Peter
DeVries, Betsi
Egbers, Fran
Garrity, Patrick
Gorman, Mary
Infantine, William
Kopka, Angeline
Manney, Pamela
Movsesian, Lori
Reeves, Sandra
Shaw, Barbara
Velez, Hector

Beaulieu, Jane
Calawa, Leon Jr
Chase, Claudia
Coughlin, Pamela
Dokmo, Cynthia
Essex, David
Ginsburg, Ruth
Graham, John
Irwin, Anne-Marie
Kurk, Neal
Martin, Mary Ellen
O'Connell, Timothy
Rochette, Eric
Smith, David
Villeneuve, Maurice

Bergin, Peter
Carlson, Donald
Clayton, William
Daniuk, Caitlin
Drisko, Richard
Foster, Linda
Golding, William
Hebert, Raymond
Jasper, Shawn
Lasky, Bette
Matarazzo, Anthony R
Pappas, Christopher
Ryder, Donald
Sullivan, Peter
Wheeler, Robert

MERRIMACK

Anderson, Eric
Currier, David
Foose, Robert
Hager, Elizabeth
MacKay, James
Potter, Frances
Tilton, Joy
Williams, Robert

Blanchard, Elizabeth
Danforth, James
French, Barbara
Kidder, David
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
DeJoi, John
Gile, Mary
Klose, John
Oliver, James
Ryan, Jim
Wallner, Mary Jane

Clarke, Claire
DeStefano, Stephen
Greco, Vincent
Lockwood, Priscilla
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Coburn, James
Dowling, Patricia
Forsing, Robert
Griffin, Mary
Johnson, Robert
Major, Norman
Moody, Marcia
O'Neil, Michael
Rausch, James
Scamman, Stella
Stone, Joseph
Weldy, Norman
Zolla, William

Belanger, Ronald
Cali-Pitts, Jacqueline
Cooney, Richard
Doyle, Christopher
Francoeur, Sheila
Headd, James
Katsakiores, George
Mason, April
Morris, Richard
Parker, Benjamin
Robertson, Carl
Serlin, Christopher
Waterhouse, Kevin
Wells, Roger

Bishop, Franklin
Casey, Kimberley
DiFruscia, Anthony
Flanders, John Sr
Gillick, Thomas
Hughes, Daniel
Katsakiores, Phyllis
McKinney, Betsy
Norelli, Terie
Powers, James
Rolston, James
Splaine, James
Weare, E Albert
Wiley, Robert

Blanchard, MaryAnn
Charron, Gene
Dowd, John
Flockhart, Eileen
Gould, Kenneth
Ingram, Russell
Kobel, Rudolph
McMahon, Charles
Nowe, Ronald
Priestley, Anne
Sanders, Elisabeth
Stiles, Nancy
Welch, David
Winchell, George

STRAFFORD

Berube, Roger
Brown, Lawrence
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Wall, Janet

Bickford, David
Callaghan, Frank
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Snyder, Clair

Brown, Jennifer
Cataldo, Sam
Heon, Richard
Kaen, Naida
Rous, Emma
Spang, Judith

Brown, Julie
Cilley, Jacalyn
Hilliard, Dana
Keans, Sandra
Schmidt, Peter
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

NAYS 72**BELKNAP**

Boyce, Laurie

Tilton, Franklin

Wendelboe, Fran

CARROLL

Babson, David Jr

CHESHIRE

Emerson, Susan

COOS

Morneau, Renney

GRAFTON

Alger, John
Sorg, Gregory

Giuda, Robert
Williams, Burton

Ingbretson, Paul

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Biundo, Michael
Christensen, D L Chris
Francoeur, Bea
Hawkins, Ken
Mead, Robert
Rowe, Robert
Ulery, Jordan

Balboni, Michael
Boehm, Ralph
Christiansen, Lars
Gibson, John
Hellwig, Steve
Mooney, Maureen
Slocum, Lee
Wheeler, James

Batula, Peter
Buhlman, David
Crane, Elenore Casey
Gonzalez, Carlos
Hinkle, Peyton
O'Brien, William
Souza, Kathleen

Bergeron, Jean-Guy
Carew, James
Elliott, Nancy
Goyette, Peter Jr
McRae, Karen
Renzullo, Andrew
Stepanek, Stephen

MERRIMACK

Field, William
Soltani, Tony

L'Heureux, Stephen
Whiting, Herbert

Langlais, Thomas

Marple, Richard

ROCKINGHAM

Bettencourt, David
Dodge, Robert
Hopfgarten, Paul
Packard, Sherman
Weyler, Kenneth

Cady, Harriet
Dumaine, Dudley
Introne, Robert
Quandt, Marshall Lee

Camm, Kevin
Fesh, Bob
Itse, Daniel
Quandt, Matthew

Carson, Sharon
Garrity, James
Lund, Howie
Smith, Paul

STRAFFORD

Albert, Russell
Twombly, James

Chaplin, Duncan

Easson, Timothy

Newton, Clifford

SULLIVAN

Irish, Christopher
and the committee report was adopted.

Osgood, Philip Sr

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds. **INEXPEDIENT TO LEGISLATE**
Rep. Stephen G. Prichard for Municipal and County Government:

While the committee strongly agrees with the bill's intent to protect our privacy and avoid misuse of our social security numbers, the real "fix" needs to come on a larger scale. Several committees in Congress are studying the issue and it is being debated nationally on television almost daily. Because it is such a complex problem with the possibility of many unintended consequences, it is

the better part of wisdom to see how the issue sorts itself out and then act accordingly. The cost and trouble of redacting all old deeds to remove social security numbers, and the problems created for banks and assessors by having some deeds withheld from internet access raises a number of new issues. Putting your finger in just one hole in the dike while leaving dozens still open doesn't solve the problem. A more inclusive solution for protecting our privacy needs to be found without imposing the burden only on the Registry of Deeds. Vote 18-0.

Rep. Kurk spoke against and yielded to questions.

Rep. Patten spoke in favor.

Rep. Giuda requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 164 NAYS 153

YEAS 164

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Russell, David	Thomas, John	Veazey, John

CARROLL

Buco, Thomas	Chandler, Gene	Knox, J David	Martin, James
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Allen, Peter	Butynski, William	Dexter, Judson	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna		

COOS

King, Frederick	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		

GRAFTON

Andersen, Gene	Bleyler, Ruth	Cooney, Mary	Maybeck, Margie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Ward, John	

HILLSBOROUGH

Allan, Nelson	Bergin, Peter	Boehm, Ralph	Brundige, Robert
Buhlman, David	Carew, James	Carter, Mark	Chabot, Robert
DeVries, Betsi	Drisko, Richard	Egbers, Fran	Essex, David
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goyette, Peter Jr
Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond	Holden, Randolph
Jean, Claudette	Kopka, Angeline	Movesian, Lori	O'Connell, Timothy
Pilotte, Maurice	Reeves, Sandra	Renzullo, Andrew	Ryder, Donald
Scanlon, Michael	Shaw, Kimberly	Smith, David	Ulery, Jordan
Velez, Hector	Villeneuve, Maurice		

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	Currier, David
DeJoie, John	Foose, Robert	Hager, Elizabeth	Hamm, Christine
Kidder, David	Klose, John	L'Heureux, Stephen	Lockwood, Priscilla
Oliver, James	Osborne, Jessie	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleffe, Stephen	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Belanger, Ronald	Blanchard, MaryAnn	Buxton, Donald	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	DiFruscia, Anthony

Dowd, John
Flockhart, Eileen
Griffin, Mary
Katsakiores, George
McMahon, Charles
Rausch, James
Smith, Paul
Weyler, Kenneth

Dowling, Patricia
Francoeur, Sheila
Headd, James
Katsakiores, Phyllis
Norelli, Terie
Robertson, Carl
Stiles, Nancy
Wiley, Robert

Dumaine, Dudley
Garrity, James
Hopfgarten, Paul
Kobel, Rudolph
O'Neil, Michael
Rolston, James
Stone, Joseph
Winchell, George

Flanders, John Sr
Gillick, Thomas
Introne, Robert
Major, Norman
Priestley, Anne
Sanders, Elisabeth
Weare, E Albert
Zolla, William

STRAFFORD

Berube, Roger
Dunlap, Patricia
Miller, Joseph

Brown, Julie
Hilliard, Dana
Twombly, James

Callaghan, Frank
Hofemann, Roland

Cilley, Jacalyn
Johnson, Nancy

SULLIVAN

Donovan, Thomas
Irish, Christopher
Rodeschin, Beverly

Franklin, Peter
Jillette, Arthur Jr

Gale, Harry
Osgood, Philip Sr

Houde-Quimby, Charlotte
Prichard, Stephen

NAYS 153

BELKNAP

Pilliod, James
Wendelboe, Fran

Rosen, Ralph
Whalley, Michael

Tilton, Franklin

Tobin, William

CARROLL

Ahlgren, Christopher
Morrow, Harry

Babson, David Jr

Dickinson, Howard

McConkey, Mark

CHESHIRE

Butcher, Suzanne

Emerson, Susan

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Morneau, Renney

GRAFTON

Alger, John
Giuda, Robert
Williams, Burton

Almy, Susan
Hammond, Lee

Benn, Bernard
Ingbreton, Paul

Eaton, Stephanie
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Beaulieu, Jane
Carlson, Donald
Clayton, William
Crane, Elenore Casey
Dyer, Donald
Garrity, Patrick
Graham, John
Irwin, Anne-Marie
Manney, Pamela
Mead, Robert
Ober, Lynne
Slocum, Lee
Vaillancourt, Steve

Balboni, Michael
Bergeron, Jean-Guy
Chase, Claudia
Cote, David
Daniuk, Caitlin
Elliott, Nancy
Gibson, John
Hellwig, Steve
Kurk, Neal
Martin, Mary Ellen
Messier, Irene
Pappas, Christopher
Souza, Kathleen
Wheeler, James

Baroody, Benjamin
Brassard, Paul
Christensen, D L Chris
Cote, Peter
Desmarais, Vivian
Foster, Linda
Gonzalez, Carlos
Hinkle, Peyton
Lasky, Bette
Matarazzo, Anthony Sr
Mooney, Maureen
Rowe, Robert
Stepanek, Stephen
Wheeler, Robert

Batula, Peter
Calawa, Leon Jr
Christiansen, Lars
Coughlin, Pamela
Dokmo, Cynthia
Francoeur, Bea
Gorman, Mary
Infantine, William
Lefebvre, Roland
McRae, Karen
O'Brien, William
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Anderson, Eric
French, Barbara
Marple, Richard
Tupper, Frank

Danforth, James
Greco, Vincent
McMahon, Patricia
Wallner, Mary Jane

DeStefano, Stephen
Langlais, Thomas
Soltani, Tony
Whiting, Herbert

Field, William
MacKay, James
Tilton, Joy

ROCKINGHAM

Abbott, Dennis	Bettencourt, David	Bishop, Franklin	Gady, Harriet
Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon	Dodge, Robert
Doyle, Christopher	Fesh, Bob	Forsing, Robert	Gould, Kenneth
Hughes, Daniel	Ingram, Russell	Itse, Daniel	Johnson, Robert
Lund, Howie	Mason, April	McKinney, Betsy	Moody, Marcia
Morris, Richard	Nowe, Ronald	Packard, Sherman	Parker, Benjamin
Powers, James	Quandt, Marshall Lee	Quandt, Matthew	Scamman, Stella
Splaine, James	Waterhouse, Kevin	Welch, David	Weldy, Norman
Wells, Roger			

STRAFFORD

Albert, Russell	Bickford, David	Brown, Jennifer	Brown, Lawrence
Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin	Easson, Timothy
Heon, Richard	Kaen, Naida	Keans, Sandra	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Phinizy, James
----------------	-----------------	-----------------	----------------

and the committee report was adopted.

MOTION TO SPECIAL ORDER

Rep. O'Neil moved that **HB 679-FN-L**, authorizing the electronic enforcement of traffic signal violations, **HB 601-FN**, allowing businesses to apply the investment tax credit to contributions made to scholarship funding organizations, and **HB 613-FN**, exempting prepared take-out food items sold in supermarkets from the meals and rooms tax, be made Special Orders for Wednesday, March 30, 2005 in the Regular Calendar order.

Adopted.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 2, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures. (King, Coos 1: Finance)

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 30, 2005 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 138-FN, requiring medical examiners to inventory and account for property taken from decedents.

HB 332, relative to harassment by telephone.

HB 372, relative to notification of interested parties in medical parole cases.

HB 498, establishing a study committee relative to the sale of fire-safe cigarettes.

HB 628-FN, relative to the authority of law enforcement officers to close an area for the purpose of abating a threat to public health or safety.

- HB 696-FN**, relative to enhanced penalties for certain crimes against the elderly and persons with disabilities.
- HB 129-FN-L**, establishing a high performance school incentive.
- HB 351**, relative to the time for counting absentee ballots.
- HB 362**, relative to statutes to be posted at polling places.
- HB 195**, establishing a committee to study the department of insurance.
- HB 415**, excepting installation of heating equipment from regulation by the electrician's board.
- HB 499**, relative to participation in and administration of the Manchester employees' contributory retirement system.
- HB 546**, relative to the status of the board of trustees of the retirement system.
- HB 582**, relative to the policy for records management.
- HB 647-FN**, relative to restructuring the department of revenue administration.
- HB 306**, relative to mandatory education for crossbow hunters.
- HB 447-FN**, relative to black bear license and tag fees.
- HB 449-FN**, relative to special wild turkey seasons and permits.
- SB 57**, establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties.
- HB 267**, relative to requests for services other than counsel for indigent defendants.
- HB 421**, relative to effective dates.
- HB 141-L**, relative to the planning board's authority to limit building permits.
- HB 230-L**, relative to default budgets.
- HB 408**, relative to the sale of town-owned land.
- HB 411**, relative to the North Conway water precinct.
- HB 431-FN-L**, relative to competing articles and official ballot voting.
- HB 467**, relative to naming private roads.
- HB 504**, relative to the assessment or refund of real estate transfer taxes, and the recording of plans with the register of deeds.
- HB 505**, relative to recording mailing addresses on property deeds.
- HB 457**, relative to excavating and dredging permit exemptions for water conveyance systems.
- HB 152-FN**, establishing a commission to study the uses of biodiesel for home heating and vehicular transportation.
- HB 202**, directing the commissioner of the department of environmental services to review options for reducing diesel engine exhaust emissions.
- HB 261**, relative to title to salvage vehicles.
- HB 326**, relative to motorcycle noise levels and mufflers.
- HB 357**, relative to negligent driving.
- HB 260-FN**, relative to motor vehicle equipment and registration.
- HB 268-FN**, increasing certain motor vehicle fees.
- HB 602-FN-A**, relative to the unbundling of communications services for purposes of the application of the communications services tax.
- HB 147**, relative to the death penalty.
- HB 363**, relative to parking at polling places.
- HB 365**, relative to recount fees.
- HB 55-FN-A**, relative to industrial hemp and establishing an industrial hemp special program fund.
- HB 386**, relative to agricultural best management practices.
- HB 118**, relative to bicycle helmet use by certain minors.
- HB 522**, establishing a committee to study gaming options for New Hampshire.
- HB 38**, relative to theft of personal checks and credit cards.
- HB 151**, requiring school districts to develop a school age nutrition and physical activity committee.
- HB 521**, relative to medical insurance coverage for members of the Manchester employees' contributory retirement system.

RECONSIDERATION

Having voted with the prevailing side, Rep. Babson moved that the House reconsider its action whereby it passed on third reading, **HB 55-FN-A**, relative to industrial hemp and establishing an industrial hemp special program fund.

On a division vote, 107 members having voted in the affirmative and 209 in the negative, the reconsideration motion failed.

UNANIMOUS CONSENT

Rep. Flockhart addressed the House.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 5:40 p.m.

RECESS

(Speaker Scamman in the Chair)

COMMITTEE ASSIGNMENTS

Rep. Phillip G. Osgood, Sr, on Ways and Means.

Rep. Lawrence D. Brown on Municipal and County Government.

Rep. Jane A. Clemons off Election Law.

Rep. Suzanne Harvey off Municipal and County Government; on Election Law.

RECESS

(Rep. O'Neil in the Chair)

RESOLUTION

Rep. Price offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 11, 13, 19, 46, 60, 102, 106, 111, 120, 127, 156, 157, 164, 173, 175, 176, 184, 188, 189, 195, 202, 208 and 212, and Senate Concurrent Resolution numbered 2, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS and SCR**First, second reading and referral**

SB 11-FN, extending the local property tax exemption for wooden poles and conduits. (Ways and Means)

SB 13, relative to placement and removal of political advertising. (Election Law)

SB 19, relative to qualifications to sell lottery, bingo, and lucky 7 tickets. (Judiciary)

SB 46, relative to the duties of law enforcement officials upon receiving reports of missing adults. (Criminal Justice and Public Safety)

SB 60, clarifying probate court procedures in cases involving the Uniform Transfers to Minors Act. (Judiciary)

SB 102-FN, limiting liability for failure to arrest persons under 21 years of age illegally transporting alcoholic beverages. (Judiciary)

SB 106-FN, making unauthorized recording in a motion picture theater a crime. (Criminal Justice and Public Safety)

SB 111, relative to persons conducting securities broker-dealer and investment advisor businesses. (Commerce)

SB 120, relative to the purchase of rail properties. (Transportation)

SB 127-FN, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority. (Public Works and Highways)

SB 156-FN, relative to criminal trespass. (Criminal Justice and Public Safety)

SB 157-FN, relative to all terrain vehicles used for agricultural purposes. (Transportation)

SB 164-FN, relative to the disposal of real property purchased with highway or turnpike funds. (Public Works and Highways)

SB 173, relative to exceptions to licensure for electricians. (Executive Departments and Administration)

SB 175, requiring insurance coverage for certified midwives. (Commerce)

SB 176, creating a public safety exception to a municipality's denial of an appropriation or budgetary item. (Municipal and County Government)

SB 184-FN, adopting the Uniform Child-Custody Jurisdictional Enforcement Act. (Children and Family Law)

SB 188, relative to the construction of buildings on properties without street frontage. (Municipal and County Government)

SB 189, authorizing the use of interest rate swap agreements and other similar agreements by the cities of Manchester and Nashua. (Municipal and County Government)

SB 195, relative to the effective date of the law requiring the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program. (Science, Technology and Energy)

SB 202, relative to property taxable as utility property. (Ways and Means)

SB 208-FN, relative to certification of driver education instructors. (Education)

SB 212, relative to the railroad tax. (Ways and Means)

SCR 2, relative to reauthorization of the Transportation Equity for the 21st Century Act (TEA-21). (State-Federal Relations and Veterans Affairs)

RECESS

(Rep. Nedeau in the Chair)

RESOLUTION

Rep. Bridle offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 37, 49, 62, 64, 69, 93, 108, 110, 112, 113, 115, 124, 128, 138, 148, 180, 206, 209, 215, 223 and 224 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.
Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 37, relative to disclosure of expert testimony. (Judiciary)

SB 49-FN, including multiple sclerosis in the catastrophic illness program. (Health, Human Services and Elderly Affairs)

SB 62-FN, allowing court fees to be paid by credit card. (Ways and Means)

SB 64, establishing a committee to study small group health insurance plans. (Commerce)

SB 69-L, relative to certain insurance liens. (Municipal and County Government)

SB 93-FN, transferring the electricians' board to the department of safety. (Executive Departments and Administration)

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests. (Health, Human Services and Elderly Affairs)

SB 110-FN-A, establishing the New Hampshire Rx plus program for prescription drugs. (Health, Human Services and Elderly Affairs)

SB 112-FN, establishing a committee to study viatical settlements. (Commerce)

SB 113-FN, relative to the use of federal funds for technology improvements within the department of employment security. (Labor, Industrial and Rehabilitative Services)

SB 115-FN, relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services. (Executive Departments and Administration)

SB 124, relative to the regulation of real estate brokers by the real estate commission. (Executive Departments and Administration)

SB 128-FN, relative to the establishment of emissions reduction standards as required by the Clean Power Act. (Science, Technology and Energy)

SB 138-L, relative to motor vehicle liability for municipal workers. (Transportation)

SB 148, relative to motorcycle inspections and relative to electronic inspection information. (Transportation)

SB 180-FN-A-L, increasing certain motor vehicle registration fees and appropriating the funds for local government records management programs. (Municipal and County Government)

SB 206-FN, relative to the state code of ethics and establishing an executive ethics commission. (Election Law)

SB 209-FN, relative to licensing of money transmitters and check cashers. (Executive Departments and Administration)

SB 215-FN, creating a committee to study banning the incineration of construction and demolition debris. (Science, Technology and Energy)

SB 223-FN, relative to licensing nondepository mortgage bankers and brokers. (Executive Departments and Administration)

SB 224, relative to the committee on judicial conduct. (Judiciary)

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 10

Wednesday, March 30, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain Gayle Murphy, Pastor of the Northwood Congregational Church in Northwood.

As this morning dawns with hope for spring and new beginnings, we gather in this place of power, of honor and of service. Be with these women and men. Guide them in the hard work of governing. Keep them focused on the needs of the least among us. Help them fight for justice so that the common good can be done.

We acknowledge in prayerful trust how difficult the work done here is. The long days require the gift of Your patience. The budget to balance with conflicting needs and limited funding calls upon the promise that You continue to work in miraculous ways. The health of some of these men and women call for Your healing touch. The promise of the good that can be done calls us to cling to hope in You.

Bless these good people. Guide in the good work they do. We pray this through our faith in You. Amen.

Rep. David L. Babson, Jr. led the Pledge of Allegiance.

The National Anthem was sung by Kaleb Wells, 7th grade student at Hampstead Middle School and grandson of Rep. Roger Wells.

LEAVES OF ABSENCE

Reps. Albert, Alger, Claire Clarke, Peter Cote, Dyer, Egbers, Hall, Oliver, Palangas, Palazzo and Ulery, the day, illness.

Reps. Bicknell, Bridle, William Chase, Clayton, Gonzalez, Hellwig, Hilliard, Hollinger, Millham and Burton Williams, the day, important business.

Reps. Hagan and Hutchinson, the day, illness in the family.

Rep. Paula Johnson, the day, death in the family.

INTRODUCTION OF GUESTS

Daniel and Erika, Jameson and Trevor, and Lois Wells, parents, brothers and great-grandmother of today's singer, guests of the House. John and Brenda Davis, and Kelsea Goulden, guests of Rep. Headd. Glen, Anne-Marie and Michelle Morse, guests of Reps. DeJoie and Infantine. Henry and Carrie Klementowicz, Jane Flegal and Olga Usyck, children and guests of Rep. Rosenwald. Rick Zeller, son-in-law of Rep. Lockwood.

TARTAN DAY RECOGNITION PROGRAM

Reps. John Hunt and Paul Smith introduced special guests who performed for the House in honor of New Hampshire Tartan Day:

Pipers Tammy Pratt, Elliott Smith and Campbell Webster played "Scotland the Brave" as the Highland Dancers from the New Hampshire School of Scottish Arts, Marielle Webster, Ashley Gilmour, Bonnie Heplar, Shona MacWhirter, Victoria Leeming, Isabel Leeming, Natalie Maynard, Jillian Peters, Hannah Marcel and Rachel Matheson danced the Highland Fling. Tammy Pratt piped "Flowers of the Forest" in honor of the United States troops in Afghanistan and Iraq and "Amazing Grace" at the close of the program.

MOTION TO VACATE

Rep. Babson moved that the House vacate the reference of **SB 140**, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas, to the Committee on Environment and Agriculture.

Motion adopted.

The Speaker referred SB 140 to the Committee on Resources, Recreation and Development.

SUSPENSION OF RULES

Reps O'Neil and Craig moved that the Rules deadlines be so far suspended as to permit referral to a second committee of the following House Bills:

HB 643-FN, establishing an integrated criminal justice information system.

HB 718-FN-A, relative to group life insurance for New Hampshire citizens serving in the military reserves or national guard and making an appropriation therefor.

HB 25-FN-A, making appropriations for capital improvements.

HB 687-FN, relative to tuition waivers for children and spouses of members of the armed forces who die while on active duty.

HB 137-FN, relative to unemployment benefit eligibility.

HB 209-FN, relative to unborn victims of violence.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 717, prohibiting cancellation of property and liability insurance on the basis of certain political activities, removed by Rep. DeJoie.

HB 635-FN-L, relative to education funding, removed by Rep. Hughes.

HB 270, relative to procedures of the legislative ethics committee, removed by Rep. Jasper.

HB 371, relative to mercury reduction, removed by Rep. Maxfield.

HB 158, relative to the Auburn District Court, removed by Rep. Paul Smith.

HB 536, relative to excluding deductions from compensation from all elected state, county, and local officials, removed by Rep. Marple.

HCR 9, commending the New Hampshire Fisher Cats on their championship, removed by Rep. Vaillancourt.

HB 537, relative to liens filed with public servants, removed by Rep. Marple.

HB 710-FN, establishing property appraisals for the taxation of property based upon its current use as a residence for persons over 65, removed by Rep. Patten.

SB 23, relative to membership on the public water access advisory board, removed by Rep. Currier.

HCR 3, urging Congress to require the Department of Justice to conduct a review and release information to the public regarding mistreatment and restrictions placed on Italian-American citizens of the United States during World War II, removed by Rep. Pepino

HCR 5, recognizing New Hampshire's ratification of the original Thirteenth Amendment to the United States Constitution, removed by Rep. Marple.

HCR 6, urging Congress to enact legislation to make English the official language of the United States, removed by Rep. Pillotte.

HCR 7, urging the United States Congress to establish and revise the current drug policy, removed by Rep. Pillotte.

HB 720-FN, relative to special number plates, removed by Rep. Gibson.

Consent Calendar adopted.

HB 120, relative to the definition of child abuse and the identity of a person filing a report of suspected child abuse. **INEXPEDIENT TO LEGISLATE**

Rep. Mary Stuart Gile for Children and Family Law: This bill defines the circumstances that indicate or threaten physical harm to a child's life, health or welfare and requires that the person reporting/filing a report provide their name and address. The committee appreciates the sponsor's intent to clarify child abuse and neglect reporting laws, however, the committee decided to support current law which guarantees anonymity to persons reporting because it is in the best interest of the child. Vote 13-1.

HB 214, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings. **OUGHT TO PASS**

Rep. Harriet E. Cady for Children and Family Law: This bill provides that a sexual assault victim age 16 or younger at the child's request and with the prosecutor's approval shall be allowed to have the parents or legal guardians to remain with the victim during the entire court proceedings. This bill gives the necessary support to a child during the court process. Vote 13-1.

HB 220, establishing a committee to study the ability of homeless youth in New Hampshire to make a successful transition to adulthood. **OUGHT TO PASS WITH AMENDMENT**
 Rep. Mary Stuart Gile for Children and Family Law: This bill establishes a committee to study the ability of homeless youth in New Hampshire to make a successful transition to adulthood. Testimony confirmed that the numbers of homeless teens in New Hampshire are increasing for a variety of reasons. The study committee will investigate the accuracy of reports (data), consolidate various studies on teen homelessness, and request evaluations of existing programs and report findings and recommendations for future legislation by November 1, 2005. Vote 14-0.

Amendment (0495h)

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall:

I. Investigate the number of homeless youth in the state and the extent of any current or prior relationship to the division of children, youth and families or the division for juvenile justice services.

II. Investigate the needs of homeless youth for employment, education, transportation, housing, nutrition, mental health services, medical and dental care, legal services, and other support services from adults, including the current availability and accessibility of such services.

III. Solicit testimony from youth and young adults who are or have been homeless, and from agencies and organizations that provide services to homeless youth and young adults, including school assistance and other educational programs, runaway and homeless youth programs, health, mental health and substance abuse prevention and treatment programs, and from other sources as deemed helpful by the committee.

IV. Seek information relative to the needs of adolescents, as they transition to adulthood, from the following organizations: the Adolescence Resource Center of the university of New Hampshire, the New Hampshire Medical Society, the New Hampshire Coalition Against Domestic and Sexual Violence, the department of education, the department of health and human services office of homeless, housing, and transportation services, New Hampshire Legal Assistance, and others as may be appropriate.

V. Study the effect that homeless teens have on society, including the social and financial costs associated with inadequate transitional services for teens who leave the foster care system and special education system without the necessary skills or supports to become self-sufficient. Amend the bill by replacing section 6 with the following:

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2005. The report shall include, to the extent practicable, the estimated cost of both implementing and not implementing the committee's recommendations.

HB 405, relative to discovery depositions in criminal cases of persons under 16 years of age. **INEXPEDIENT TO LEGISLATE**

Rep. Edward P. Moran for Children and Family Law: This bill would permit children under the age of 16 to be deposed in criminal cases. Children would be subject to a wide array of questions under oath without a judge present. Unless they hire private counsel, the child would be forced to respond without the protection afforded by legal representation. There already are existing means for obtaining information from a child witness. Current law provides for video taped depositions with both a judge and parent present. After review by a judge, confidential documents may be given to the defense. Court rules require that all witness statements made by children be given to the defense. And, of course, a child may be required to testify and be subject to cross examination at trial. This bill is unnecessary and has potential to cause great harm to children. The Attorney General opposes this bill. Vote 12-2.

HB 476, revising the definition of adultery. **INEXPEDIENT TO LEGISLATE**

Rep. Anne C. Grassie for Children and Family Law: This bill was initiated pursuant to a Supreme Court decision which rested on the majority interpretation of adultery as defined in RSA 645:3. The committee felt the alternative definition proposed, the language of RSA 649-A:2,III, was inappropriately broad. The committee majority decided, given the options, it concurred with the Supreme Court majority. Vote 14-1.

HB 510, relative to financial affidavits in domestic relations cases. **OUGHT TO PASS**

Rep. Barbara Hull Richardson for Children and Family Law: This bill was introduced at the request of the Department of Health and Human Services to correct an unintended consequence of HB 384 which was passed last year. This bill provides that in divorce and custody cases otherwise confidential financial affidavits are accessible to those employees responsible for the administration and enforcement of child support obligations. It is basically housekeeping legislation. Vote 14-1.

HB 511, relative to the confidentiality of records pertaining to the support of dependent children. **OUGHT TO PASS**

Rep. Barbara Hull Richardson for Children and Family Law: This bill was requested by the Department of Health and Human Services and the courts. This bill permits the court and its authorized personnel limited access to child support records maintained by the Department for the administration of cases where an application for child support services has been received and accepted by the Department for Social Security Act, Title IV-D services. Currently New Hampshire is failing to maximize on capturing available IV-D funding largely because of limitations in ability to identify IV-D cases for federal reimbursement. Vote 14-1.

HB 585, relative to grounds for termination of parental rights. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anthony P. Matarazzo, Sr. for Children and Family Law: This bill adds to the grounds for termination of parental rights, namely, conviction for felony assault of a sibling. The amendment simply says the bill shall take effect upon passage rather than 1 January 2006. Vote 14-0.

Amendment (0833h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage

HB 586, relative to the periodic review of child support guidelines. **OUGHT TO PASS**

Rep. Harriet E. Cady for Children and Family Law: This bill clarifies that child support guidelines be reviewed by the Department of Health and Human Services not less than once every four years in order to determine appropriate child support awards. It also requests that the department use the review by the commission on child support and related child custody issue to meet state and federal law requirements. HB 586 meets the request of the commission on child support and related child custody issues. Vote 14-0.

HB 640-FN, relative to parental rights and responsibilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill places laws governing custody of children under a separate chapter. The term custody changes to "rights and responsibilities" and requires parents to file "parenting plans" with the court and allows the court to order a session of mediation. Vote 16-0.

Amendment (0896h)

Amend RSA 461-A:4, II as inserted by section 1 of the bill by replacing it with the following:

II. A parenting plan may include provisions relative to:

- (a) Decision-making responsibility and residential responsibility.
- (b) Information sharing and access, including telephone and electronic access.
- (c) Legal residence of a child for school attendance.
- (d) Parenting schedule, including:

- (1) Holiday, birthday, and vacation planning.

- (2) Weekends, including holidays, and school in-service days preceding or following weekends.

- (e) Transportation and exchange of the child.

- (f) Relocation of parents.

- (g) Procedure for review and adjustment of the plan.

- (h) Methods for resolving disputes.

Amend RSA 461-A:6, III as inserted by section 1 of the bill by replacing it with the following:

III. In determining parental rights and responsibilities under this section, including residential responsibility, the court shall not apply a preference for one parent over the other because of the sex of the child, the sex of a parent, or the financial resources of a parent.

Amend RSA 461-A:7, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Reasons the court may choose not to order mediation include, but are not limited to, the following:

- (a) A showing of undue hardship to a party.
- (b) An agreement between the parties for alternate dispute resolution procedures.
- (c) An allegation of abuse or neglect of the minor child.
- (d) A finding of alcoholism, drug abuse, or domestic abuse as defined in RSA 173-B:1, unless all parties agree to mediation.
- (e) An allegation of serious psychological or emotional abuse.
- (f) Lack of an available, suitable mediator within a reasonable time period.

Amend the bill by inserting after section 19 the following and renumbering the original sections 2021 to read as 21-22, respectively:

20 Legal Residence Required; Residential Responsibility. Amend RSA 193:12, II(a)(2) to read as follows:

(2) In a divorce decree where parents are awarded *joint decision making responsibility* or joint legal custody, the legal residence of a minor child is the residence of the parent with whom the child resides. If a parent is awarded sole or primary *residential responsibility* or physical custody by a court of competent jurisdiction in this or any other state, legal residence of a minor child is the residence of the parent who has sole or primary *residential responsibility* or physical custody. If the parent with sole or primary physical custody lives outside the state of New Hampshire, the pupil does not have residence in New Hampshire. *If the court order is for equal or approximately equal periods of residential responsibility, the child's* legal residence for school attendance purposes shall be as stated in the order.

Amend the bill by replacing section 22 with the following:

22 Effective Date. This act shall take effect upon its passage.

HB 104, requiring insurance coverage for infertility treatments. **INEXPEDIENT TO LEGISLATE**
Rep. Stephen B. Stepanek for Commerce: The committee has had this issue several times in the past. Testimony was presented that this mandate would increase the cost of health insurance for everyone in the small group market. Although we are very sensitive to the situation of infertile couples, our concern is that the out of control cost of health care is having a devastating impact on our small businesses and their employees. It has reached a crisis situation where companies and/or their employees are being forced to decisions to continue health coverage or not based upon their ability to pay for it. An additional increase will simply push more people out of the insurance market. We should be looking for ways to stabilize the cost of good basic health insurance. This bill has the opposite effect at a time when our small businesses can ill afford another mandate. Vote 17-1.

HB 262, creating a cause of action relative to the discharge of mortgages. **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: The committee reviewed the existing New Hampshire law with regard to mortgage discharge and found that the mechanism created by the Commerce Committee in a past session is sufficient to remedy this situation. New Hampshire law provides for a discharge by affidavit to clear titles encumbered by mortgages that have been satisfied. Vote 19-0.

HB 274, relative to notice of the availability of automobile gap insurance. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: This type of insurance, although available through insurance agents, is usually offered by automobile dealers and financial institutions that are aware of the personal financial situation of the buyer. Normally, insurance agents, brokers and salespeople are not aware of the amount being financed by their clients. Although they can and do offer the coverage, it is rarely purchased by their clients and requiring a mandatory written offer and signoff for this type of coverage where such is not required on other perils would be cost prohibitive and unreasonable. Vote 20-0.

HB 296, relative to bonding requirements for private detectives. **INEXPEDIENT TO LEGISLATE**

Rep. Matthew J. Quandt for Commerce: The State of New Hampshire requires that private detectives have a \$50,000 surety bond. This legislation allows a private detective to purchase and maintain liability insurance in lieu of a surety bond. Although the sponsor was well intentioned, the committee felt that liability insurance does not have the same protection as a surety bond. Vote 19-0.

HB 299, relative to mechanics' liens. OUGHT TO PASS WITH AMENDMENT

Rep. Tara G. Reardon for Commerce: The bill as introduced sought to make several improvements to RSA 447 regarding mechanics' liens. The testimony at both the public hearing and subcommittee indicated there was not only disagreement about the provisions in the bill, but also other parts of RSA 447. All parties agree that a broader look is necessary and a study committee is the best approach. Vote 17-0.

Amendment (0843h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study state laws governing liens for labor and materials.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study state laws governing liens for labor and materials.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the need to revise RSA 447, relative to liens for labor and materials. The review shall include, but shall not be limited to: including equipment in addition to labor and materials in a lien filed pursuant to RSA 447:2, the treatment of leasehold interests, and the bonding of liens. The committee shall solicit information and testimony from such organizations and individuals as may assist the committee in the performance of its duties, including: the Home Builders and Remodelers' Association of New Hampshire, the Association of Builders and Contractors, the Association of General Contractors of New Hampshire, and the Bankers' Association.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2005.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the laws relative to liens for labor and materials.

HB 337, establishing a committee to study small group health insurance and the small brokerage health insurance community. INEXPEDIENT TO LEGISLATE

Rep. Donald H. Flanders for Commerce: The committee felt that this bill was unspecific as to its objectives. Testimony provided at the hearing concentrated on areas relating to rebating and unfair trade practices. These areas were addressed in the last session under SB 42 which completely updated both regulations to reflect current practices, and, according to the insurance department, are working well. In addition to this, anything that may need further study can be addressed under other bills currently being considered. Vote 13-5.

HB 348, relative to mortgages held by parties to a divorce. OUGHT TO PASS WITH AMENDMENT

Rep. Tara G. Reardon for Commerce: This bill was amended to provide clarification of a bill passed by this house last session. The Commerce Committee added a requirement to durable powers of attorney that required a disclosure of the grantor of the power that he/she was granting broad powers to the agent named in that document. As an unintended consequence, special limited powers of attorney, used mainly in real estate transactions, were caught up in the change because they contain durable language. This bill corrects that by clarifying the language for those transactions done since the effective date of the change and in the future. Vote 18-0.

Amendment (0660h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to real and personal property conveyances made under powers of attorney.

Amend the bill by replacing all after the enacting clause with the following:

1 Powers of Attorney; Clarification of Legislative Intent.

I. The general court declares that its intent in enacting and amending RSA 506:6, VI, VII, and VIII(b), and RSA 506:7, IV(b), under 2001, 257, and 2003, 312, was not to impose the requirements of principal disclosure statement and agent acknowledgment on powers of attorney that are by their terms limited to a specified transaction or series of transactions such as representing a principal in a sale of a parcel of real estate or lots in a subdivision, but rather to impose the new requirements on durable powers of attorney that are general in nature, and thus more vulnerable to possible misuse.

II. The general court further declares that its intent in enacting and amending the statutes referred to in paragraph I was not to invalidate conveyances made to bona fide purchasers under powers of attorney that fail to comply with RSA 506:6, VI or VII, or both, where reasonable consideration is paid and the purchaser has no actual knowledge or reason to believe that the agent is misusing the power of attorney.

III. This act clarifies the original legislative intent of the above-referenced statutes, and effectuates such intent in regard to conveyances that have occurred prior to the effective date of this act.

2 Powers of Attorney; Disability or Incompetence of Principal; Disclosure Statement. Amend RSA 506:6, VI(a) to read as follows:

VI.(a) A disclosure statement, signed by the principal, in substantially the following form, shall be affixed to a durable *general* power of attorney:

INFORMATION CONCERNING THE DURABLE POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING

THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

Notice to the Principal: As the "Principal," you are using this Durable Power of Attorney to grant power to another person (called the "Agent" or "Attorney in Fact") to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this written Durable Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Under this document, your agent will continue to have these powers after you become incapacitated, and unless otherwise indicated your Agent will have these powers before you become incapacitated. You have the right to retain this Power and not to release this Power until you instruct your attorney or any other person who may hold this Power of Attorney to so release it to your Agent pursuant to written instructions. You have the right to revoke or take back this Durable Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Durable Power of Attorney that you do not understand, you should seek professional advice.

Principal

3 Powers of Attorney; Disability or Incompetence of Principal; Acknowledgment. Amend RSA 506:6, VII(a) to read as follows:

VII.(a) An agent shall have no authority to act as agent under [the] *a durable general* power of attorney unless the agent has first executed and affixed to the power of attorney an acknowledgment in substantially the following form:

I, _____, have read the attached power of attorney and am the person identified as the Agent for the Principal. I hereby acknowledge that when I act as Agent or "attorney in fact," I am given power under this Durable Power of Attorney to make decisions about money, property, or both belonging to the Principal, and to spend the Principal's money, property, or both on the Principal's behalf, in accordance with the terms of this Durable Power of Attorney. This Durable Power of Attorney is valid only if the Principal is of sound mind when the Principal signs it. When acting in the capacity of Agent, I am under a duty (called a "fiduciary duty") to observe the standards observed by a prudent person, which means the use of those powers that is reasonable in view of the interests of the Principal and in view of the way in which a person of ordinary judgment would act in carrying out that person's own affairs. If the exercise of my acts is called into question, the burden will be upon me to prove that I acted under the standards of a fiduciary. As the Agent, I am not entitled to use the money or property for my own benefit or to make gifts to myself or others unless the Durable Power of Attorney speci-

cally gives me the authority to do so. As the Agent, my authority under this Durable Power of Attorney will end when the Principal dies and I will not have authority to manage or dispose of any property or administer the estate unless I am authorized to do so by a New Hampshire Probate Court. If I violate my fiduciary duty under this Durable Power of Attorney, I may be liable for damages and may be subject to criminal prosecution. If there is anything about this Durable Power of Attorney, or my duties under it, that I do not understand, I understand that I should seek professional advice.

Agent

4 Powers of Attorney; Disability or Incompetence of Principal; Validity. Amend RSA 506:6, VIII(b) to read as follows:

(b) Failure to comply with paragraph VI *or* VII shall not invalidate an otherwise valid durable *general* power of attorney, subject to the provisions of RSA 506:7, IV(b).

5 New Subparagraph; Powers of Attorney; Disability or Incompetence of Principal; Validity of Conveyances to Bona Fide Purchasers. Amend RSA 506:6, VIII by inserting after subparagraph (b) the following new subparagraph:

(c) Notwithstanding the provisions of paragraph VI or VII or RSA 506:7, IV(b), a conveyance of real or personal property to a bona fide purchaser for reasonable consideration under an otherwise valid durable general power of attorney that failed to comply with RSA 506:6, VI or VII, or both, shall not be set aside on account of such failure unless the purchaser had actual knowledge or good reason to believe that the agent was misusing the power of attorney in making the conveyance. This subparagraph shall apply to every conveyance made on or after January 1, 2004, unless an action to set aside such conveyance has been filed prior to the effective date of this subparagraph.

6 New Paragraphs; Powers of Attorney; Disability or Incompetence of Principal; Definitions; Validity Amend RSA 506:6 by inserting after paragraph IX the following new paragraphs:

X.(a) "Durable power of attorney" as used in this chapter means a power of attorney described in paragraph I.

(b) "Durable general power of attorney" as used in this chapter means a durable power of attorney that is not limited by its terms to a specified transaction or series of transactions.

XI. Any durable power of attorney limited by its terms to a specified transaction or series of transactions and executed before the effective date of this paragraph shall not be deemed invalid or affected in any way because it does not comply with paragraph VI or VII.

7 Powers of Attorney; Limitations on the Agent; Presumption of Lawfulness. Amend RSA 506:7, IV(b) to read as follows:

(b) When a gift or transfer made by an agent *under a durable general power of attorney* is challenged in a petition filed under paragraph III of this section, the gift or transfer shall be presumed to be lawful if the durable power of attorney is accompanied by the disclosure statement and acknowledgement drafted in accordance with RSA 506:6, VI and VII, and explicitly authorizes such gifts or transfers as set forth in RSA 506:6, V. However, if the petitioner establishes that the agent made a transfer for less than adequate consideration, and the transfer is not explicitly authorized by a durable power of attorney drafted in accordance with RSA 506:6, VI and VII, the agent shall be required to prove by a preponderance of evidence that the transfer was authorized and was not a result of undue influence, fraud, or misrepresentation.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Declares the legislative intent concerning the disclosure statement required under a durable general power of attorney and the acknowledgement required under a durable general power of attorney.

II Clarifies that certain conveyances of real and personal property are not invalid because of failure to follow the technical form prescribed in statute.

HB 364, establishing a committee to study adopting the uniform securities act. INEXPEDIENT TO LEGISLATE

Rep. Stephen B. Stepanek for Commerce: The committee has retained HB 716 which deals with the review and restructuring of the Uniform Securities Act. Therefore the committee felt that HB 364 dealing with the same issue would be redundant and not necessary at this time. Vote 20-0.

HB 422, relative to exemptions from the consumer protection act. **INEXPEDIENT TO LEGISLATE**
 Rep. James R. Martin for Commerce: This bill would exempt from the Consumer Protection Act any business that is in compliance with the rules and regulations of the Bank Commissioner, Director of Securities Regulation, Insurance Commissioner, Public Utilities Commission and similar regulators of other states or the federal government. The bill changes existing law which exempts only those businesses that are subject to the jurisdiction of those regulators. This bill would exempt any business not subject to regulations by any of the named regulators. Thus, under this bill, any business not subject to regulation would be exempt from the Consumer Protection Act. Vote 16-4.

HB 423, relative to insurance premiums for medical malpractice liability insurance. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: This bill requires malpractice insurance rates in New Hampshire to be based only on New Hampshire malpractice statistics. The committee heard testimony that due to its small size there would be little or no malpractice statistics in many areas of medical practice. It would therefore be impossible to rate these areas for insurance purposes. Although well intended, this bill would have the unintended effect of further restricting the availability of malpractice insurance and of also increasing its cost. Vote 18-2.

HB 469, regulating disputes between homeowners and contractors relative to residential construction defects. **OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Quandt for Commerce: This bill is the product of many hours of work by a subcommittee, the Attorney General's Office of Consumer Protection and the homebuilder industry, and was introduced to address the concerns of the numerous contractor scams that New Hampshire homeowners have experienced in the recent past. The legislation mandates a written contract between a homeowner and contractor outlining basic terms of their agreement. The law also provides the Attorney General's Office with the enforcement tools they need to prosecute those contractors that prey on consumers. The final version addresses the desire of the homebuilders to protect the reputation of the majority of the good contractors working in New Hampshire, while also allowing the attorney general to pursue those whose intent are to defraud. Vote 20-0.

Amendment (0670h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Residential Construction Defects; Dispute Resolution. Amend RSA by inserting after chapter 359-F the following new chapter:

CHAPTER 359-G

RESIDENTIAL CONSTRUCTION DEFECTS; DISPUTE RESOLUTION

359-G:1 Purpose. In order to encourage the out-of-court resolution of disputes between homeowners and contractors relative to residential construction defects, this chapter provides a framework for discussion about an alleged defect. As part of this process, RSA 359-G:5, IV allows a homeowner to provide access to the residence for an inspection. Since an inspection is likely to lead to the timely resolution of the problem, homeowners are encouraged, but not required, to provide access for an inspection.

359-G:2 Definitions. In this chapter:

I. "Action" means any civil lawsuit, judicial action, or arbitration proceeding asserting a claim, in whole or in part, for damages or other relief in connection with a residence caused by an alleged construction defect.

II. "Homeowner" means any person, company, firm, partnership, corporation, or association who contracts with a contractor for the construction, sale, substantial remodel or repair, or construction and sale of a residence. Homeowner includes, but is not limited to, an authorized assignee, agent, or subsequent purchaser of a residence from any homeowner.

III. "Construction defect" has the meaning assigned by a written, express warranty either provided by the contractor or required by applicable statutory law. If no written, express warranty or applicable statutory warranty provides a definition, then "construction defect" means a matter concerning the design, construction, modification, or repair of a residence on which a person has a complaint against a contractor. The term may include any physical damage to the residence, any appurtenance, or the real property on which the residence or appurtenance are affixed, proximately caused by a construction defect.

IV. "Contractor" means any person, firm, partnership, corporation, association or other organization that is engaged in the business of designing, developing, or constructing a residence, modification, repair of a new or existing residence, or construction, alteration, addition, or repair of an appurtenance to a new or existing residence.

V. "Residence" means a single-family house, duplex, or multifamily unit designed for residential use in which title to each individual unit is transferred to the owner under a condominium or cooperative system and shall include common areas and improvements that are owned or maintained by an association or by members of an association. A residence includes the systems, other components, improvements, other structures, or recreational facilities that are appurtenant to the house, duplex, or multifamily unit at the time of its initial sale, but not necessarily a part of the house, duplex, or multifamily unit.

VI. "Serve" or "Service" means delivery by certified mail, return receipt requested, or in-hand service, to the last known address or place of business of the addressee.

359-G:3 Action; Stay Without Prejudice. If a homeowner files an action without first complying with the requirements of this chapter, on application by a party to the action, the court or arbitrator shall stay the action, without prejudice, until the homeowner has complied with the requirements of this chapter. The stay shall not exceed the 60 day period set forth in RSA 359-G:4, I, and no attachments against the contractor shall be granted until the stay expires.

359-G:4 Notice and Opportunity to Repair.

I. In every action subject to this chapter, the homeowner shall, no later than 60 days before initiating an action against a contractor, provide service of written notice of claim on that contractor. The notice of claim shall state that the homeowner asserts a construction defect claim and is providing notice of the claim pursuant to the requirements of this chapter. The notice of claim shall describe the claim in detail sufficient to explain the nature of the alleged construction defect and the result of the defect. In addition, the homeowner shall provide to the contractor any evidence in possession of the homeowner that depicts the nature and cause of the construction defect.

II. Within 30 days after service of the notice of claim by the homeowner required in paragraph I, each contractor that has received the notice of claim shall serve on the homeowner, and on any other contractor that has received the notice of claim, a written response to the claim or claims, which discloses any evidence in the possession of the contractor that depicts the nature and cause of the construction defect, and:

(a) Offers to settle the claim by monetary payment, the making of repairs, or a combination of both, without inspection;

(b) Proposes to inspect the residence that is the subject of the claim; or

(c) Wholly rejects the claim.

III. Notwithstanding any other provision of this chapter, if the contractor fails to respond to the homeowner under paragraph II, wholly rejects the claim, or will neither remedy the alleged construction defect nor settle the claim, the homeowner may immediately bring an action against the contractor for the claims described in the notice of claim without further notice except as otherwise provided under applicable law.

IV. If a proposal for inspection is made pursuant to subparagraph II(b), the homeowner may, within 15 days of receiving contractor's proposal, provide the contractor and its subcontractors, agents, experts, and consultants prompt and complete access to the residence to inspect the residence, document any alleged construction defect, and, if authorized in writing by the homeowner, perform any destructive or non-destructive testing required to fully and completely evaluate the nature, extent, and cause of the claimed defect and the nature and extent of any repairs or replacements that may be necessary to remedy the alleged defect. If destructive testing is authorized in writing by the homeowner, the contractor shall give the homeowner advance notice of such tests and shall, after completion of the testing, return the residence to as close as reasonably practicable to its pre-testing condition. If any inspection or testing reveals a condition that requires additional testing to allow the contractor to fully and completely evaluate the nature, cause, and extent of the construction defect, the contractor shall provide notice to the homeowner of the need for such additional testing and, if the homeowner consents in writing to such additional testing, the homeowner shall provide access as provided under this section. If a claim is asserted on behalf of owners of multiple residences, or multiple owners of units within a multi-family complex, then the contractor shall be entitled to inspect each of the residences or units, with the written consent of the unit owner.

V. Within 15 days following completion of the inspection and testing under paragraph IV, the contractor shall serve on the homeowner a response disclosing any inspection or testing records in the possession of the contractor that depict the nature and cause of the construction defect, and:

(a) A written offer to fully or partially remedy the construction defect at no cost to the homeowner. Such offer shall include a description of any additional construction necessary to remedy the defect described in the claim, and an anticipated timetable for the completion of such construction;

(b) A written offer to settle the claim by monetary payment;

(c) A written offer including a combination of repairs and monetary payment; or

(d) A written statement that the contractor will not proceed further to remedy the defect.

VI. If a homeowner accepts a contractor's offer made pursuant to subparagraph VI(a), (b), or (c) and the contractor does not proceed to make the monetary payment or remedy the construction defect within the agreed timetable, the homeowner may bring an action against the contractor for the claim described in the notice of claim without further notice except as otherwise provided by applicable law. In such situation, the homeowner may also file the contractor's offer and homeowner's acceptance, and such offer and acceptance will create a rebuttable presumption that a binding and valid settlement agreement has been created and should be enforced by the court or arbitrator.

VII. If a homeowner receives a written statement that the contractor will not proceed further to remedy the defect, the homeowner may bring an action against the contractor for the claim described in the notice of claim without further notice except as otherwise provided by applicable law.

VIII. If the homeowner rejects the offer made by the contractor to remedy the construction defect or to settle the claim by monetary payment or a combination of each, the homeowner may serve written notice of the homeowner's rejection on the contractor.

IX. If the value of the offer that the homeowner rejects under this section is greater than any judgment awarded in an ensuing civil proceeding, then the contractor shall be deemed the prevailing party for the purpose of determining the taxation of costs in the proceeding.

X. Any homeowner accepting the offer of the contractor to remedy a construction defect shall do so by serving the contractor with a written notice of acceptance within a reasonable period of time after receipt of the contractor's settlement offer, but no later than 30 days after receipt of the offer. If no response is served upon contractor within the 30-day period, then the offer shall be deemed rejected.

XI. If a homeowner accepts a contractor's offer to repair a construction defect described in a notice of claim, the homeowner shall provide the contractor and its subcontractors, agents, experts, and consultants prompt and reasonable access to the residence to perform and complete the construction by the timetable stated in the settlement offer.

XII. Service of a written notice of claim pursuant to this chapter shall automatically toll the expiration of an applicable limitations period for a period of 60 days. This paragraph shall not be construed to:

(a) Extend any tolling of expiration beyond 60 days;

(b) Revive any statute of limitation that expired prior to service of a notice of claim; or

(c) Extend any applicable statute of repose.

XIII. A homeowner and a contractor may alter, by written mutual agreement, the procedure for the notice of claim process described in this section. The altered process may follow customer dispute resolution guidelines outlined by recognized third party insured warranty programs licensed or approved by the state of New Hampshire.

XIV. In an action relating to a residence involving a construction defect, a contractor shall not be liable for any portion of a homeowner's damages caused by:

(a) Normal shrinkage due to drying or settlement of construction components within the tolerance of normally accepted building industry standards or standards agreed upon in the contract between the homeowner and the contractor.

(b) The contractor's reasonable reliance on written information relating to the residence that was obtained from official government records or provided by a government entity.

(c) The contractor's reasonable reliance on applicable building codes in effect at the start of the construction, except to the extent the homeowner and the contractor had agreed in writing to exceed the construction standards set forth in the applicable building codes.

(d) Any construction defect that was known by or disclosed to a homeowner in writing prior to the homeowner's purchase of the residence, and that was not caused to worsen or otherwise exacerbated by acts or omissions of the contractor.

(e) If the homeowner is not the first owner of the residence, any construction defect known by the homeowner or that could have been discovered by the homeowner through the exercise of reasonable diligence prior the homeowner's purchase of the residence, and that was not caused to worsen or otherwise exacerbated by acts or omissions of the contractor.

(f) Refusal of the homeowner or homeowner's agent to allow the contractor or contractor's agents to perform their warranty service work.

(g) Normal wear, tear, and deterioration of building components.

(h) Comparative negligence or failure to perform normal and reasonable maintenance of the residence on the part of the homeowner.

(i) Alteration of contractor's work by homeowner without contractor's written consent.

359-G:5 Additional Construction Defects; Additional Notice and Opportunity to Repair Required. A construction defect that is discovered after a homeowner has provided a contractor with the initial claim notice and is substantially related to the factual circumstances, acts or omissions giving rise to the construction defects alleged in the initial notice may be alleged in an action involving the claims alleged in the initial notice without following the notice of claim procedure provided in RSA 359-G:4.

359-G:6 Release; Insurance. If a homeowner accepts an offer made in compliance with this act and the contractor fulfills the offer in compliance with this act, the homeowner shall thereafter be barred from bringing an action for the claim.

359-G:7 Contract of Sale.

I. Upon entering into a purchase agreement or contract for the construction or improvement of a residence in which the contract amount exceeds \$5,000, the contractor shall provide written notice to the owner of the residence of the contractor's right to resolve alleged construction defects before a homeowner may commence litigation against the contractor. Such notice shall be conspicuous and may be included as part of the contract.

II. Contracts providing third party insured warranty programs must provide homeowners with warranty documents and claim procedures at or before closing or first occupancy.

III. The notice required by paragraph I shall be in substantially the following form:

NEW HAMPSHIRE LAW, RSA 359-G, CONTAINS IMPORTANT REQUIREMENTS YOU MUST FOLLOW BEFORE YOU MAY FILE A LAWSUIT OR OTHER ACTION FOR DEFECTIVE CONSTRUCTION AGAINST THE CONTRACTOR WHO CONSTRUCTED, REMODELED, OR REPAIRED YOUR HOME. SIXTY DAYS BEFORE YOU FILE YOUR LAWSUIT OR OTHER ACTION, YOU MUST SERVE ON THE CONTRACTOR A WRITTEN NOTICE OF ANY CONSTRUCTION CONDITIONS YOU ALLEGE ARE DEFECTIVE. UNDER THE LAW, A CONTRACTOR HAS THE OPPORTUNITY TO MAKE AN OFFER TO REPAIR AND/OR PAY FOR THE DEFECTS. THERE ARE STRICT DEADLINES AND PROCEDURES UNDER STATE LAW, AND FAILURE TO FOLLOW THEM MAY AFFECT YOUR ABILITY TO FILE A LAWSUIT OR OTHER ACTION.

359-G:8 Miscellaneous; Applicability of Chapter.

I. Nothing in this chapter shall create any cause of action on behalf of any homeowner or contractor.

II. This chapter shall not apply to a contractor's right to seek contribution, indemnity, or recovery against a subcontractor, supplier, or design professional for any claim made against a contractor by a homeowner.

III. Nothing in this chapter shall prohibit a homeowner from taking such actions as necessary to prevent unsafe conditions or further deterioration of a residence.

2 Applicability. This act shall apply to all contracts entered after the effective date.

3 Effective Date. This act shall take effect January 1, 2006.

HB 490, relative to law enforcement access to financial records under the New Hampshire right to privacy act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran M. Egbers for Commerce: This bill clarifies law enforcement access to financial records under the New Hampshire Right to Privacy Act. The amendment removes Sections 2 and 3 from the bill. The committee believed the subpoena powers in these sections were reaching too far into the financial privacy of individuals. Vote 20-0.

Amendment (0820h)

Amend the bill by deleting sections 2 and 3 and renumbering the original section 4 to read as 2.

AMENDED ANALYSIS

This bill clarifies law enforcement access to financial records under the New Hampshire right to privacy act.

HB 575, establishing a committee to examine a restructuring of the state health insurance programs. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: In the public hearing on HB 575 the sponsor wanted to accomplish a number of things. It appeared from the testimony that the sponsor needed to take several additional steps before this study committee would be needed and could be effective. As the old saying goes, this bill would be putting the cart before the horse. Vote 20-0.

HB 577, relative to requirements for debt collection by telephone. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: Although this bill was well intentioned, there are already a significant number of laws on the book regulating collection companies. Many, if not all, of the complaints we heard concerned activities that violate existing laws. The real issue is about the enforcement of existing laws not the creation of new ones. In addition, this law would have the same enforcement problem current laws have; that is, they only cover those collection companies located within the State of New Hampshire. As we all know most collection companies are located outside of New Hampshire and increasingly outside of the United States. The committee felt this law was unnecessary. Vote 19-0.

HB 583, establishing an oversight committee to study medical malpractice insurance rates in this state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen B. Stepanek for Commerce: The amendment to this bill more clearly defines how the Medical Malpractice Insurance Oversight Committee would be formed and more clearly defines what its charge would be. This amendment addresses a concern about the committee's ability to collect all of the data. Under this amendment the insurance department would collect the data. This amendment is supported by both the sponsor and the insurance department. Everyone is in agreement that we need a legislative committee to study the information and determine what legislation might be needed to correct the situation. Vote 20-0.

Amendment (0808h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Medical Malpractice Insurance Oversight Committee. Amend RSA 519-A by inserting after section 10 the following new subdivision:

Medical Malpractice Insurance Oversight Committee

519-A:11 Medical Malpractice Insurance Oversight Committee.

I. There is established a committee to study medical malpractice insurance rates in this state.

II. The committee shall consist of 4 members of the house of representatives, appointed by the speaker of the house of representatives and 3 members of the senate, appointed by the president of the senate.

III. The members of the committee shall elect a chairperson from among the members. Five members of the committee shall constitute a quorum.

IV. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

V. The committee shall review and analyze detailed information provided by the administrative office of the courts and the insurance department related to medical injury liability claim activity, the condition of the medical malpractice insurance market and current rate levels and pricing of medical malpractice insurance products.

VI.(a) The committee shall analyze the information it receives under paragraph V and from the insurance commissioner and report it annually to the speaker of the house of representatives, the senate president, the house clerk, and the senate clerk.

(b) The committee shall make an interim report of its findings about medical insurance rates and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2007.

(c) The committee shall make a final report of its findings about medical insurance rates and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2009.

519-A:12 Reports.

I.(a) The administrative office of the courts shall collect data on medical injury claims and submit a report to the committee established in RSA 519-A:11 and to the insurance commissioner on or before September 30 of each year.

(b) The report shall include the number of medical injury cases filed, pending, and resolved during the fiscal year ending on the June 30 preceding the report date.

(c) The report shall also include, for medical injury cases resolved during the fiscal year:

(1) The mean and median lengths of time from initial filing to final resolution.

(2) The number and average settlement amount of cases that were resolved prior to trial.

(3) The number and average settlement amount of cases that were resolved by or after a jury verdict.

(d) To the extent possible, the report shall include comparative data from the previous 5 years.

II.(a) The insurance commissioner shall report to the committee, established in RSA 519A:11, annually, on or before November 1 of each year, on the medical malpractice market and the current rate levels and pricing of medical malpractice insurance products. Such reports shall include, but not be limited to, average rate comparisons of medical liability insurance for categories of medical providers and specialties identified by the insurance commissioner, the frequency and severity of medical injury claims, the time for resolution of medical injury claims from first notice to final resolution, and other factors influencing the pricing of medical malpractice insurance products.

(b) The insurance commissioner may adopt rules to collect the data from insurers necessary to prepare the report required by this section. To the extent the commissioner collects information from insurers regarding individual claims, loss adjustment and other expenses, reserves, indemnity payments, or other financial information that is not otherwise reported to the commissioner and available to the public, such information shall be treated as examination materials, kept confidential and not be subject to RSA 91-A.

2 First Meeting of Committee. The first meeting of the committee established in section 1 of this act shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 615-FN, relative to insurance coverage for court-ordered counseling services. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Clark for Commerce: This bill would prohibit carriers from denying coverage for mental health services on the basis that there is a court order for counseling or a psychiatric evaluation as part of a divorce or custody proceeding. In order to be covered, these services still must meet medical necessity criteria. The committee notes that in many instances psychiatric evaluations ordered as part of custody proceedings would not meet medical necessity criteria. For example, in order for psychological testing to be considered a medical necessity, it must be intended to move an individual's medical treatment forward in some way, as opposed to only meeting some other need to help a court determine custody issues. Vote 18-2.

HB 631-FN, relative to the time after which certain unclaimed property is presumed abandoned. INEXPEDIENT TO LEGISLATE

Rep. James F. Headd for Commerce: The committee met with a representative of the consumer protection division of the attorney general's office, and with the state treasurer. Both indicated their objections to reducing the holding period of securities to one year, but would not object to a three year holding period which would bring it in line with federal statutes. Otherwise, they saw no benefit to the general public to change existing rules. There is no statute of limitation on claiming unclaimed property so heirs, successors or assignees of the property can claim it at any time. Vote 20-0.

HB 714-FN, adopting the Uniform Partnership Act (1997). INEXPEDIENT TO LEGISLATE

Rep. Tara G. Reardon for Commerce: This bill attempts to update our current version of the Uniform Partnership Act to reflect the most recent version of the model act promulgated by the Commissioners on Uniform Law. Our current statute includes many changes made to the prior

version of the Uniform Law. The updated Uniform Law presented did not include these New Hampshire nuances. The Secretary of State Corporate Division stated the bill as presented required extensive review and revision to adapt it suitably for New Hampshire, and this currently is a low priority for them. The committee expects an improved version of this bill will be filed in an upcoming session. Vote 20-0.

HB 68, relative to the enforcement of disorderly conduct by reason of noise. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill as amended by the committee provides for the enforcement of loud or unreasonable noise when observed by a law enforcement officer. Prior to these amendments, a person other than a law enforcement officer had to be the complainant and this resulted in an often unenforceable situation due to the fear that some form of retribution would result. The complainant might not be willing to go forward due to the fear that some action would be taken against him or her. The bill holds responsible the person who has control of the place where the loud, or unreasonable noise originates or the actual person creating the disturbance. Vote 17-1.

Amendment (0065h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Disorderly Conduct; Noise. Amend RSA 644:2, III(a) to read as follows:

(a) Making *or allowing to be made* loud or unreasonable noises in a public place, or making *or allowing to be made* loud or unreasonable noises in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities; or

2 New Subparagraph; Disorderly Conduct; Noise. Amend RSA 644:2, IV by inserting after subparagraph (b) the following new subparagraph:

(c) When noise under subparagraph II(f) or III(a) is emanating from a residence or its curtilage, or from a vehicle or its sound system, and can be plainly heard from a distance of 50 feet or more, a law enforcement officer shall be considered a person of average sensibilities for purposes of determining whether there is a breach of the peace, public inconvenience, annoyance, or alarm, and the officer may take enforcement action to abate such noise upon detecting the noise, or upon receiving a complaint from another person.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 Disorderly Conduct; Gender Neutral Language Added. Amend the introductory paragraph of RSA 644:2, II to read as follows:

II. He *or she*:

4 New Subparagraph; Disorderly Conduct; Noise; Knowingly Causing. Amend RSA 644:2, II by inserting after subparagraph (e) the following new subparagraph:

(f) Knowingly causes a breach of the peace, public inconvenience, annoyance, or alarm by allowing loud or unreasonable noises to be made in a private place under his or her control, which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities.

AMENDED ANALYSIS

This bill allows a law enforcement officer to take enforcement action to abate loud or unreasonable noises with or without a complaint from another person.

HB 125, requiring ignition interlock devices for certain persons who drive after suspension or revocation. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill requires in the case of that any person who has been convicted of the offense of driving after suspension or revocation, resulting from a conviction for DWI, the court shall order the installation of an ignition interlock on the vehicle registered to or primarily used by that person. The court may order such installation as a condition of bail. It further reinforces that a person ordered by the court to install an interlock device shall not drive any other vehicle not so equipped. Vote 16-2.

Amendment (0031h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to ignition interlock devices.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph: Alcohol Ignition Interlock Program; Driving After Revocation or Suspension.

Amend RSA 265:93-a by inserting after paragraph I the following new paragraph:

I-a. Any person who is convicted of driving while under suspension or revocation resulting from a DWI offense shall be required by the court to install an ignition interlock device in any vehicle registered to that person or used by that person on a regular basis, for the remaining period of suspension or revocation plus an additional period not less than 6 months nor more than 2 years. The court may order such installation on a temporary basis prior to conviction as a condition of bail.

2 Alcohol Ignition Interlock Circumvention. Amend RSA 265:93-b, I to read as follows:

I. Any person required by the court to ~~(drive only a motor vehicle equipped with)~~ **install** an ignition interlock device shall not drive any motor vehicle not equipped with this device.

3 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill requires an ignition interlock device on any vehicle registered to or regularly used by a person who drives after a suspension or revocation resulting from a DWI offense. This bill also prohibits persons required to install an ignition interlock device from driving a motor vehicle not equipped with this device.

HB 294, relative to criminal records and evidence. **OUGHT TO PASS WITH AMENDMENT**
Rep. William V. Knowles for Criminal Justice and Public Safety: The current statute requires a person whose arrest has resulted in a finding of not guilty to file a petition for annulment of the arrest record by paying a fee of \$100.00 and waiting for the Department of Corrections to investigate the facts of the case to make a recommendation to the court whether the arrest records should be annulled or not. The majority of the committee felt that a charge resulting in a verdict of not guilty by a jury or judge should be immediately annulled by the court without requiring a petition or payment of a fee. The remainder of the statute RSA 651:5, II has been changed to RSA 651:5, II-a. The wording in this section has not been changed and states that any person whose case was dismissed or not prosecuted may petition for annulment of the arrest record at any time in accordance with the provisions of this section. Vote 10-5.

Amendment (0663h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to annulment of arrest records.

Amend the bill by replacing all after the enacting clause with the following:

1 Annulment of Arrest Records. Amend RSA 651:5, II to read as follows:

II. *The arrest record of a person whose arrest has resulted in a verdict of not guilty by a jury or judge shall be immediately annulled by the court without requiring a petition.*

II-a. Any person whose ~~[arrest has resulted in a finding of not guilty, or whose]~~ case was dismissed or not prosecuted, may petition for annulment of the arrest record at any time in accordance with the provisions of this section.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill requires the court to automatically annul the arrest record upon acquittal of any defendant.

HB 440, relative to hearing ear dogs, guide dogs, and service dogs. **OUGHT TO PASS WITH AMENDMENT**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill is long overdue and provides that those who interfere, or attempt to interfere, with a service dog, as defined in RSA 167-D: 1, IX, will now be guilty of a misdemeanor. Those who willfully torture, beat, kick, strike, mutilate, injure, disable, or otherwise mistreat a service dog shall be guilty of a class B felony. There was no testimony opposed to this bill. Those who use service dogs, gave testimony of how these dogs are their eyes and ears and in some cases they are helpless without their dogs. The

amendment takes out the provision in the original bill of a defendant having to make full restitution of a service dog, which included the value of the service dog to the service animals user, any and all veterinary expenses and compensation for wages, or earned income lost by the animal user, which the committee felt was not reasonable. Vote 14-0.

Amendment (0645h)

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Prohibited Acts. Amend RSA 167-D:7 by inserting after paragraph II the following new paragraph:

III. It is unlawful for any person to willfully interfere or attempt to interfere with a service dog, as defined in RSA 167-D:1, IX.

2 Penalty. Amend RSA 167-D:9 to read as follows:

167-D:9 Penalty.

I. Any person violating any provision of this chapter shall be guilty of a misdemeanor.

II. Any person who willfully tortures, beats, kicks, strikes, mutilates, injures, disables, or otherwise mistreats a service dog, or who willfully causes the death of a service dog shall be guilty of a class B felony.

3 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill clarifies the penalty for interference with a service dog and for mistreating such dogs.

HB 468, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation is proposed to clarify legislative intent after a Supreme Court decision *State v. Kidder* outlining guidelines which must be adhered to by attorneys, or any person on an attorney's behalf, who is representing the defendant in an action brought under the domestic violence statute RSA 173-B, or the stalking statute RSA 633:3-a, where a protective order is in force, and contact by such authorized individual with the plaintiff for a legitimate purpose is desired. Any person who knowingly fails to comply with the requirements of this section when making contact with the plaintiff shall be guilty of a violation of a protective order. Vote 16-0.

Amendment (0583h)

Amend RSA 173-B:5-a as inserted by section 1 of the bill by replacing it with the following:

173-B:5-a Permissible Contact.

I. A protective order issued pursuant to RSA 173-B:4 or RSA 173B:5 shall not be construed to prohibit an attorney, or any person acting on the attorney's behalf, who is representing the defendant in an action brought under this chapter, or in any criminal proceeding concerning the abuse alleged under this chapter, from contacting the plaintiff for a legitimate purpose within the scope of the civil or criminal proceeding; provided, that the attorney or person acting on behalf of the attorney: identifies himself or herself as a representative of the defendant; acknowledges the existence of the protective order and informs the plaintiff that he or she has no obligation to speak; terminates contact with the plaintiff if the plaintiff expresses an unwillingness to talk; ensures that any personal contact with the plaintiff occurs outside of the defendant's presence, unless the court has modified the protective order to permit such contact; and, if an attorney, acts in accordance with the Rules of Professional Conduct.

II. Any person who knowingly fails to comply with the requirements of this section when making contact with the plaintiff shall be guilty of a violation of a protective order under RSA 173-B:9.

Amend RSA 633:3-a, III-c, as inserted by section 1 of the bill by replacing it with the following:

III-c.(a) A protective order issued pursuant to this section, RSA 173-B:4, or RSA 173-B:5 shall not be construed to prohibit an attorney, or any person acting on the attorney's behalf, who is representing the defendant in an action brought under this chapter, or in any criminal proceeding concerning the abuse alleged under this chapter, from contacting the plaintiff for a legitimate purpose within the scope of the civil or criminal proceeding; provided, that the attorney or person acting on behalf of the attorney: identifies himself or herself as a representative of the defendant; acknowledges the existence of the protective order and informs the plaintiff that he or she has no obligation to speak; terminates contact with the plaintiff if the plaintiff expresses an unwilling-

ness to talk; ensures that any personal contact with the plaintiff occurs outside of the defendant's presence, unless the court has modified the protective order to permit such contact; and, if an attorney, acts in accordance with the Rules of Professional Conduct.

(b) Any person who knowingly fails to comply with the requirements of this paragraph when making contact with the plaintiff shall be guilty of a violation of a protective order under RSA 173-B:9.

AMENDED ANALYSIS

This bill sets forth conditions under which permissible contact may occur between the agent of a defendant subject to a protective order and the plaintiff.

HB 486, establishing a committee to study firearms confiscation practices in domestic violence matters. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would establish a committee to study firearms confiscation practices in domestic violence matters. The current law is the end result of two years of work where these issues were studied in depth. There was strong testimony from several groups that had participated in the earlier studies that the concerns expressed by the sponsor had been addressed already and that this bill is unnecessary. Vote 15-1.

HB 527, relative to protective orders and possession of firearms. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill makes several major changes to the domestic violence statute as it currently exists. These changes would seriously dilute the protection provided in RSA 173-B in particular as it pertains to the confiscation of the defendant's firearms. The law as written provides a showing of immediate and present danger of abuse. The proposed bill would allow confiscation only after a hearing and a finding by clear and convincing evidence that failure to relinquish the weapons places the plaintiff in immediate physical danger. The purpose of a temporary order is to protect the plaintiff from further abuse. Removing weapons as part of a temporary order is both reasonable and prudent. The defendant has opportunity at the final hearing to put forth arguments as to why his or her weapons should be returned. Vote 16-0.

HB 531, relative to application for a writ of habeas corpus. **INEXPEDIENT TO LEGISLATE**

Rep. Gene P. Charron for Criminal Justice and Public Safety: This bill wishes to further provide definition as to who may apply for a writ of habeas corpus by using the term "human being" as opposed to "person" in RSA 534:3. Testimony from the Attorney General's office indicated that the bill is unnecessary. The committee felt that since Black's Law Dictionary defines person as a "Human Being" and the possibility that allowing anyone to file writs on behalf of a person could result in a flood of Habeas Corpus writs being filed unnecessarily, that the current statute should not be changed. Vote 15-0.

HB 533-FN, relative to penalties for aggravated felonious sexual assault. **OUGHT TO PASS**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation was proposed by the Department of Justice. In 1992 the penalties for aggravated felonious sexual assault (AFSA) were revised. The legislature was troubled by the high incidence of repeat offenders, noting that on average, convicted rapists have committed seven other rapes for which they were not arrested or prosecuted. In RSA 632-A: 10-a, III we provided that if the court finds that a defendant has previously been convicted of two or more offenses under RSA 632-A: 2, the defendant shall be sentenced to life imprisonment and shall not be eligible for parole at any time. We defined "previously convicted" as any conviction obtained by trial on the merits, or negotiated plea with the assistance of counsel and evidencing a knowing and voluntary waiver of the defendant's rights, provided, however, that previous imprisonment is not required. The case of State of New Hampshire v. Melvin was heard in the Supreme Court. In 1986, Mr. Melvin pled guilty to two counts of aggravated felonious sexual assault. He was sentenced to four to twelve years for one charge and received a suspended sentence of seven and one-half to fifteen years on the other charge. The offenses occurred on February 13 and April 4 of 1985 charging he sexually penetrated the same eight year old victim. In 2001 he pled guilty to fifteen counts of A.F.S.A. and one count for felony exposure. Based upon the two convictions in 1986, the Superior Court sentenced him to life imprisonment without parole. The 2001 charges involved three different victims between September 1999 and August 2000. The sentence was upheld. The court ruled that when two offenses occurring at

different times are consolidated, upon conviction of both, one of the convictions may be used as the prior conviction for the other. A hypothetical question was posed to the court asking the consequences if a defendant assaulted three different victims six separate times in one episode. The court pointed out that if this defendant were convicted of a "single criminal episode," such conviction would only constitute a single conviction for sentencing purposes. This bill should clarify legislative intent. It reads as follows: If the court finds that a defendant has been previously convicted of 2 or more offenses under RSA 632-A:2 or any other statute prohibiting the same conduct in another state, territory or possession of the United States, and at last 2 offenses of which were committed against different victims, neither of whom was the victim of the offense for which the defendant is being sentenced, the defendant shall be sentenced to life imprisonment and shall not be eligible for parole at any time. If the court finds that a defendant has been previously convicted of 2 or more offenses under RSA 632-A: 2 or any other statute prohibiting the same conduct in another state, territory, or possession of the United States, and the prior convictions do not satisfy the requirements of this paragraph, the court may impose a sentence of up to life without parole, but shall impose a minimum sentence of not less than 25 years. Vote 16-0.

HB 558, relative to the circumstances constituting sexual assault. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: The current statute, RSA 632-A: 4 on sexual assault, has a loophole that this bill attempts to solve. The statute applies to cases of sexual contact. Current law does not allow prosecution of a case of a victim who is 13 years of age and under 16 years of age, unless by force or coercion. The age of consent is 16. There have been numerous cases we have been told, that if the juvenile permits someone to touch his or her genitalia, no chargeable crime has been committed. The majority of the committee feels that this should be corrected. This bill accomplishes that end. There is a provision in the bill pertaining to sexual contact between the actor and the person who is age 13 or older and under 16 years of age, and the age difference between the actor and the other person is 3 years or less. If charges are brought forth, it shall be a class B misdemeanor which provides for no jail time. Without this provision, it would be a class A misdemeanor which could require jail time. If there was no penalty at all for this age group, it might lead to abuse of the statute. Vote 14-2.

Amendment (0584h)

Amend RSA 632-A:4, II as inserted by section 1 of the bill by replacing it with the following:

II. A person found guilty under subparagraph ~~I(b)~~ *I(c) or paragraph I-a* of this section shall not be required to register as a sexual offender under RSA 651-B.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as 3-4, respectively:

2 New Paragraph; Sexual Assault; Class B Misdemeanor Offense. Amend RSA 632-A:4 by inserting after paragraph I the following new paragraph:

I-a. When the actor subjects another person, other than the actor's legal spouse who is 13 years of age or older and under 16 years of age, to sexual contact and the age difference between the actor and the other person is 3 years or less, the actor shall be guilty of a class B misdemeanor.

HB 643-FN, establishing an integrated criminal justice information system. OUGHT TO PASS WITH AMENDMENT

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill creates the "one network environment for justice," an integrated criminal justice information system known as J-One, for the following purposes: To promote the efficiency of state government by reducing the cost of collecting, retrieving, and disseminating criminal justice information by criminal justice agencies; improving public safety and domestic security by allowing criminal justice agencies to record, share and retrieve criminal justice information in a timely fashion and providing criminal justice agencies, legislators and the public with statistical information about the criminal justice system for analysis and development of public policy initiatives. The bill further promotes the administration of justice for all citizens by increasing efficiency in the collection and maintenance of criminal justice information and by improving the accuracy, timeliness and transmission of information among criminal justice agencies. The bill will enhance the public's understanding of the criminal justice system and the development of sound public policy in the area of criminal justice by making available comprehensive statistical information on the arrest, prosecution and disposition of

individuals charged with crimes in the state of New Hampshire. The bill specifically strives to protect personal privacy by restricting access to the database. The amendment requires that on a monthly basis any name in the master index that has had no activity for five years be expunged from the database further protecting personal privacy. Vote 14-0.

Amendment (0520h)

Amend RSA 106-J:3, VI(e) as inserted by section 2 of the bill by replacing it with the following:

(e) J-One shall, on a monthly basis, expunge from the master name index any name that has had no activity for 5 years. For purposes of this subparagraph, "activity" means any submission of additional information or query on the name with a new agency case number.

Referred to the Committee on Finance.

HB 667-FN, relative to reckless conduct. INEXPEDIENT TO LEGISLATE

Rep. James H. Oliver for Criminal Justice and Public Safety: This bill is intended to expand Reckless Conduct with use of a vehicle as a deadly weapon in DWI, pursuit, or as a weapon. Though well intended to enhance penalties to help law enforcement, the committee feels RSA 631:3 and RSA 625:11 are adequate to meet this need. Vote 15-0.

HB 706-FN, relative to the cost of storage of firearms which are voluntarily surrendered to local law enforcement agencies. INEXPEDIENT TO LEGISLATE

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: The committee reviewed existing procedures and found that current practice was what the bill attempted to do. Local police have the ability to sell confiscated weapons in their possession, or turn them over to the New Hampshire State Police. If voluntarily surrendered to the State Police, the local agency does not participate in the proceeds. The local police have the option of undertaking the sale themselves. This bill does not appear to be necessary. Vote 14-0.

SB 76, relative to the extension of restraining orders under the domestic violence protection act. OUGHT TO PASS WITH AMENDMENT

Rep. Lee M. Hammond for Criminal Justice and Public Safety: Persons suffering from domestic violence currently have to return to court annually to petition renewal of court orders protecting them from continued stalking. They are forced to face their persecutors at that time which is both emotionally devastating and financially draining for the victim and psychologically stimulating to the perpetrator, frequently resulting in an increase of the harassment. This bill would give a judge the discretion to renew the no contact order for a period of up to five years without a face-to-face court appearance having to occur every year. Vote 16-0.

Amendment (0635h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

HB 248, authorizing semi-annual payments of school building aid. OUGHT TO PASS

Rep. Mark S. Carter for Education: This bill comes at the request of the Department of Education. The current method of distribution of school building aid is not working well. HB 248 returns distribution regulation to prior law and is more flexible and more accurate. The education committee unanimously agreed. Vote 20-0.

HB 301-L, relative to parent advisory councils for pupils with educational disabilities. OUGHT TO PASS WITH AMENDMENT

Rep. Debra A. Naro for Education: The amended version of HB 301 allows school districts to establish parent advisory councils to advise school boards on matters pertaining to the education of students with disabilities. The committee heard compelling testimony that an active and effective special education advisory council can be a true asset to a school district by providing meaningful parent involvement and input on special education issues. The Parent Advisory Council also provides a mechanism for parent education that can make a positive difference in student achievement outcomes. One study, conducted over a seven year period, found a strong correlation between improved reading achievement and the presence of an active and strong local school council. This is especially significant as the 2004 NHEIAP assessments identified several New Hampshire schools as "in need of improvement," based on the test scores of students with disabilities. While

the confidentiality of children and their families is protected by the provisions of FERP, the practices and policies of the school district need transparency to ensure efficiencies and the delivery of a Free and Appropriate Public Education, as required by federal law. The Education Committee believes encouraging districts to establish parent advisory councils will promote dialogue and collaboration among stakeholders, and much needed accountability by the system. The committee voted OTP/A. Vote 20-1.

Amendment (0810h)

Amend the bill by replacing section 1 with the following:

I New Subdivision; Parent Advisory Councils. Amend RSA 186-C by inserting after section 28 the following new subdivision:

Parent Advisory Councils

186-C:29 Parent Advisory Councils.

I. Every school board may establish a parent advisory council to advise the school board on matters pertaining to the education and safety of educationally disabled children.

II. The membership in the council shall be open to any parent or legal guardian of an educationally disabled child, as defined in RSA 186-C:2, I, and any other interested party appointed by the school board.

III. The council shall have no fewer than 5 members, and the school board may establish a maximum number of members on the council, provided that parents or legal guardians of educationally disabled children constitute a majority of the council's membership.

IV. A parent advisory council:

(a) Shall advise the school district on matters pertaining to the education and safety of educationally disabled children.

(b) Shall meet with school district officials provide input in the planning, development, and evaluation of the school district's education programs and services and recommend improvements or adjustments to such programs and services as deemed necessary.

(c) Shall establish bylaws for the conduct of internal operation and procedure.

(d) May report, in writing, non-binding recommendations for legislation and rules, to the school board, the school administrative unit, the department of education, and the state advisory council under RSA 186-C:3-b.

V. A school district shall:

(a) Work with its schools to ensure that all school-level parental involvement policies meet the requirements of the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized by the No Child Left Behind Act of 2001, and that each school includes, as a component, a school-parent compact consistent with the ESEA.

(b) Cooperate with the parent advisory council, which may conduct at least one workshop per year concerning the educational rights of educationally disabled children and their parents or legal guardians under federal and state education laws.

(c) Provide a parent with notification of the existence of the parent advisory council when the child is referred to special education.

VI. The school district shall provide meeting space and may provide administrative support to its parent advisory council.

AMENDED ANALYSIS

This bill requires a school district to establish a parent advisory council to advise the school district on matters pertaining to the education and safety of educationally disabled children.

HB 341, establishing a committee to study the curriculum content of an adequate education. IN-EXPEDIENT TO LEGISLATE

Rep. Clifford A. Newton for Education: This bill has many ambiguities and seeming inconsistencies, such as being composed of only six members, but has three subcommittees of three to five members. There is a statutory commission on adequate education that can study curriculum content and the committee has retained a bill to define an adequate education. Therefore, this bill, as written, is not necessary and the committee recommends inexpedient to legislate. Vote 18-0.

HB 389, relative to the duties of the postsecondary education commission. OUGHT TO PASS
Rep. Stephen R. L'Heureux for Education: This bill requires the postsecondary education commission to distribute financial aid to certain individuals based on residency in New Hampshire.

Testimony revealed that during a Joint Legislative Committee on Administrative Rules hearing, it was unclear if the commission could determine residency. This bill allows the commission to adopt rules regarding residency and defines residency in New Hampshire as the previous 12 months prior to the distribution of financial aid. Vote 15-0.

HB 390, relative to the review and approval of individualized education plans. **INEXPEDIENT TO LEGISLATE**

Rep. Debra A. Naro for Education: This bill requires that an Individual Education Plan be reviewed by a school board or a sub-committee of a school board and shall be approved by a school board. This bill was motivated by a desire to involve local policymakers in individual special education decisions and in controlling costs. However, the requirements of this bill spotlighting individual students are in direct violation of state and federal special education laws. The review of Individual Education Plans (IEPs) and decision-making authority about a student's program and education placement are the exclusive responsibility of the IEP team (34 CFR 300.16 and 34 CFR 300.344) which includes a regular educator, special educator, administrator, and the child's parents or guardian. Others with pertinent knowledge or special expertise about the child may be invited by the parents or the Local Education Agency (LEA), however, the process does not extend beyond the team. The confidentiality of children and their families is also protected by the provisions of FERPA. Furthermore, it is imperative that school board members remain neutral in the event of an appeal on disciplinary hearings. The involvement required by HB 390 in individual cases would prevent the necessary impartiality. Vote 17-0.

HB 395, relative to the adoption of a long-term contract by a school district. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy E. Easson for Education: The prime sponsor gave a letter to the chair requesting that the bill and HB 396 be tabled or found inexpedient to legislate because the actions of the voters in Bedford made this piece of legislation unnecessary. Vote 17-0.

HB 396, relative to tuition contracts between schools. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy E. Easson for Education: The prime sponsor gave a letter to the chair requesting that this bill and HB 395 be tabled or found expedient to legislate because the actions of the voters in Bedford made this piece of legislation unnecessary. Vote 16-0.

HB 435, establishing a separate high school civics graduation requirement. **OUGHT TO PASS**

Rep. Timothy E. Easson for Education: The sponsors of the bill highlighted the lagging level of civics education in our schools. The committee believes that there needs to be a greater emphasis on civics education in the classroom. The committee also agrees with the prime sponsor when he said, "This country was founded on the classic liberal beliefs that those who would eventually lead the country must understand it and its workings ... we must make sure that we leave the trusteeship of government in capable, understanding and willing hands. The best way to ensure that is to make sure that they know the basic tenets, liberties, freedoms, and workings of our government, constitutions, and way of life." Although the committee heard testimony that these enhanced standards were likely to be included in the new proposed minimum standards by the state board of education, the committee believes that the high importance of civics education is worthy of being in statute. Vote 18-0.

HB 441, relative to the publication of honor rolls and academic awards. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Ingbretonson for Education: This bill is unnecessary because the Federal FERPA laws already cover all aspects of this issue. Vote 13-0.

HB 442, establishing a committee to study the feasibility and need for a vocational technical education program at Mascoma Valley regional high school. **INEXPEDIENT TO LEGISLATE**

Rep. Michael A. Balboni for Education: The committee believes that the goal of this bill can be accomplished locally without a legislative study committee. In addition, there is an existing statutory committee that can assist the community in determining the feasibility and need for a vocational technical education program at Mascoma Valley Regional High School. Vote 15-1.

HB 557, relative to the submission of data to the department of education. **OUGHT TO PASS**

Rep. J. Timothy Dunn for Education: This bill aligns and clarifies the language in current statutes to prevent confusion by bodies submitting reports to the departments, (section 189:28). It does the same for section 198:44-45. Language was added to cover maintenance and charter schools. Additionally, this repeals rules for department of education to define adequacy. Vote 17-0.

HR 12, proclaiming the first week of each school year as "Dictionary Week." **OUGHT TO PASS**
Rep. Timothy E. Easson for Education: This resolution seeks to encourage greater use of dictionaries in schools. The committee heard testimony that verbal and written skills have lagged among students at all levels and that knowledge of the correct definitions of words is essential to success in society. The committee believes that use of dictionaries and phonics enhances vocabularies and students who use dictionaries are more self-confident and empowered to take active roles in their education. Vote 10-5.

HB 366, relative to maintenance of voter checklists. **OUGHT TO PASS WITH AMENDMENT**
Rep. William L. O'Brien for Election Law: Under the Help America Vote Act (HAVA), each state will be required to implement a statewide database of voters and to update it at least three times a year. For the reason that the secretary of state will then be able to sell the checklist, this enabling legislation is needed to set the terms and fees associated with that service. The bill, as amended, limits the secretary of state to providing electronic copies of the list to political committees of political parties and registered or nominated candidates in order to address privacy concerns. In addition, the secretary of state would not be allowed to sell less than a list of the full state in order to avoid loss of revenue to the towns and cities. Finally, the fee has been set in the bill at \$25 for lists up to 2500 names and one-twentieth of a cent for each name after 2500, which is an amount that the committee determined would cover costs but not result in a surplus. Vote 11-4.

Amendment (0871h)

Amend the bill by replacing section 1 with the following:

1 Reports of Transfer. Amend RSA 654:36 to read as follows:

654:36 Reports of Transfer. If the supervisors of the checklist have received a notice of transfer from another board of supervisors of the checklist in the state of New Hampshire that a voter whose name is on the checklist has been added to the checklist of some other town or city, they shall strike that name from the checklist at the next session for the correction of the checklist. ~~[They shall retain the notice as proof of their reasoning in striking the name from the checklist.]~~ *If the secretary of state receives notice from the election officials of any other state that a voter whose name is on the checklist of any town or ward in New Hampshire has been added to the checklist of any voting jurisdiction in any other state, the secretary of state shall cause that voter's name to be removed from the checklist of the town or ward where the voter had been registered as maintained in the centralized voter registration database established pursuant to RSA 654:45.*

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 9:

4 Availability of Checklist. Amend RSA 654:31 to read as follows:

654:31 Availability of Checklist.

I. The checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The secretary of state or the supervisors of the checklist shall furnish one or more copies of the most recent checklist to any person requesting such copies. [If the supervisors maintain or have access to the checklist or information from which the checklist was derived in more than one form, the person requesting copies shall be furnished copies in any of those forms according to his preference. The supervisors may charge a reasonable fee for copies that is based on the actual costs incurred when reproducing an existing checklist, except that in no event shall the fee for paper copies of any single town or ward checklist be less than \$5 nor more than \$25 per checklist. The fee charged for checklists on computer disk or tape, or in any form other than paper, shall be based solely on the additional costs incurred to provide such checklist to the individual requesting it. The fee shall be for the use of the town or city.] Only the supervisors of the checklist may provide checklists of less than the entire state. The supervisors of the checklist may charge a fee of up to \$25 for each copy of the checklist for a town or ward. For checklists containing more than 2,500 names, the secretary of state or the supervisors of the checklist may charge a fee of up to \$25, plus \$0.0005 per name for each name in excess of 2,500, plus any shipping costs.

II. The secretary of state may provide checklist information on computer disk, computer tape, electronic transfer, or any form other than paper only to a political committee of a political party as defined in RSA 664:2, V, or a candidate who has filed for consideration for any office in any primary or general election or who has been nominated for any office in a general election. The fee charged for checklists provided by the secretary of state or supervisors of the checklist in any form other than paper shall be based solely on the additional costs incurred to provide such checklists.

III. Fees collected by the secretary of state under this section shall be deposited in the election fund established pursuant to RSA 5:6-d. Fees collected by a town or city under this section shall be for the use of the town or city.

5 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The ~~[information contained on the]~~ checklist **information** of a town or city, specifically, the name, street address, **mailing address**, town or city, **voter identification number**, **voter history**, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A, **if such information is available in the statewide centralized voter registration database. Any person may obtain a copy of any affidavit used by an applicant for registration as a voter; provided; that the applicant's place of birth is redacted.** All other information on the voter registration form, absentee registration affidavit, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution. **In this section, "voter history" means the elections at which the voter voted.**

6 Verification Every 4 Years. Amend RSA 654:39 to read as follows:

654:39 Verification Every 10 Years.

I. In addition to any verification carried out under the provisions of RSA 654:38, the supervisors shall verify the checklist in [1981] **2007, 2009**, and once every [~~+0~~] **4** years thereafter.

II. Between April 1 and August 1 of [~~+98+~~] **2007 and 2009** and thereafter in each year ending [~~with a one~~] **after a presidential election**, the supervisors shall advertise and post notice of their sessions at least twice in a newspaper of general circulation and at the office of the town or city clerk or at the town hall and hold sufficient sessions for verification of the checklist as in their opinion will enable all eligible voters in said town or ward to appear before them and register or reregister as the case may be. Whenever a person is reregistered, his **or her** party designation, if any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

III. Beginning June 1 of such year, the supervisors shall review the checklist and shall strike therefrom the names of all persons who have not registered or reregistered under paragraphs I and IV; provided, that there shall not be stricken from said checklist the name of any person duly qualified to vote unless such person, not less than 30 days prior to such action, shall have been sent notice by the supervisors at his **or her** last known address of his **or her** failure to reregister stating the procedure to be followed in order to reregister and have his **or her** name retained on said checklist nor unless such person shall have been given a reasonable opportunity to follow said procedure.

IV. For the purpose of this section, a person shall be deemed reregistered and need not appear before the supervisors if[-

(a)] the person voted in [~~either of the 2 previous state general elections immediately preceding a 10-year verification; or~~

(b) ~~The person voted in the annual town election in the year of a 10-year verification or, if in a city, the most recent regular city election held prior to the verification]~~ **the town or ward where he or she is registered at any election held within the previous 4 years.**

V. Upon completion of verification of the checklist, but in no event later than [~~September~~] **December 1**, the supervisors shall file with the secretary of state the following certificate: We, the supervisors of the checklist (or registrars of voters) of the town (or ward _____) of _____, do hereby certify that we have verified the checklist of registered voters in the town (or ward _____ of the city) of _____, pursuant to the provisions of RSA 654:39.

VI. In verifying the checklist in accordance with this section, the provisions of RSA 654:38, IV and V shall apply.

7 Centralized Voter Registration Database; Voter Identification Numbers. Amend RSA 654:45, I to read as follows:

I. The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a statewide centralized voter registration database and communications system, hereinafter referred

to as the voter database, connecting users throughout the state. The voter database shall include the information on the voter registration form and the voter checklists maintained by each city, ward, and town in the state. *The secretary of state is authorized to assign unique voter identification numbers to registered voters in the voter database.*

8 Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain copies of such lists; the lists shall not be available for public inspection at any time without a court order. *The clerk shall charge a fee for copies of such lists of \$3 plus \$1 for every 50 names or portion thereof, plus any shipping costs.*

AMENDED ANALYSIS

This bill:

- I. Establishes requirements for the secretary of state to cause the removal of certain names from voter checklists.
- II. Modifies fees and procedures for obtaining copies of voter checklist information.
- III. Changes the 10-year checklist verification to a 4-year checklist verification.
- IV. Authorizes the secretary of state to assign voter identification numbers.
- V. Establishes fees for absentee voter lists.

HB 381-FN, relative to special elections, voter lists, and conduct of elections. OUGHT TO PASS WITH AMENDMENT

Rep. Richard B. Drisko for Election Law: This bill clarifies four functions of the secretary of state's office. First, it permits the secretary of state to make the state data base available to assist in the preparation of master jury lists pursuant to RSA 500-A and also to the U.S. District Court of New Hampshire to assist in the preparation of federal court jury lists. Further the bill addresses special elections and the desire to have them coincide with regular elections rather than standing alone at additional cost. The bill recommends timing for governor and council declaration of special election dates. The remaining two issues spoke to forbidding electioneering at polling places by election officers and electioneering by public employees. It contains a clear definition of "public employee." Vote 13-1.

Amendment (0733h)

Amend the bill by replacing section 2 with the following:

2 Centralized Voter Registration Database; Jury Lists. Amend RSA 654:45, VI to read as follows:

VI. The voter database shall be private and confidential and shall not be subject to RSA 91-A and RSA 654:31. *The secretary of state is authorized to provide voter database record data to the administrative office of the courts to assist in the preparation of master jury lists pursuant to RSA 500-A and to the clerk of the District Court of the United States for the District of New Hampshire to assist in the preparation of federal court jury lists.* The voter checklist for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information from the voter database in any manner not authorized by this section shall be guilty of a misdemeanor.

AMENDED ANALYSIS

This bill:

- I. Permits the secretary of state to make voter database record data available to assist in the preparation of jury lists.
- II. Permits certain special elections to coincide with regularly-scheduled elections.
- III. Modifies state electioneering prohibitions.
- IV. Makes technical changes to certain election laws.

HB 712-FN, relative to electioneering. INEXPEDIENT TO LEGISLATE

Rep. Richard B. Drisko for Election Law: This bill would broaden the applicability of the statute prohibiting certain electioneering by public employees. A new definition of public employee is contained in this bill. The unanimous opinion of the committee is that HB 381 covered the same ground in more detail with the necessary definitions. Vote 14-0.

HB 293, establishing a commission to study the development of a materials resource and recovery facility in Sullivan County. OUGHT TO PASS WITH AMENDMENT

Rep. Burton W. Williams for Environment and Agriculture: A state commission to study the development of a materials resource and recovery facility in Sullivan County has become necessary. Most municipalities in Sullivan County are currently involved in a cooperative incineration facility for which the contract is due to expire in 2007. A state commission would provide more credibility in helping them solve their problems. Vote 13-0.

Amendment (0807h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county.

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county.

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall:

I. Determine the feasibility of developing a materials resource and recovery facility in Sullivan county.

II. If feasible, determine a site for the facility. Candidate sites shall include but not be limited to, brownfield sites within Sullivan county as well as the current Wheelabrator site in Claremont.

III. Study and identify disposal options.

IV. Explore all funding options for the construction and operation of a county-wide facility and the feasibility of a county-wide landfill.

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the state library, and the municipalities located in Sullivan county on or before September 1, 2006.

AMENDED ANALYSIS

This bill establishes a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county.

HB 479, relative to tax bills for land use change taxes. INEXPEDIENT TO LEGISLATE

Rep. Jane E. Beaulieu for Environment and Agriculture: The committee felt that 60 days was not sufficient time to assess, record and mail current use change of use tax bills. Vote 13-0.

HB 560, relative to timber harvesting. OUGHT TO PASS WITH AMENDMENT

Rep. James F. Powers for Environment and Agriculture: This bill improves compliance with environmental rules by including procedures in the best management practices involving erosion control. It also allows the division of forest and lands to write cease and desist orders against a timber operation in violation of such procedures, where previously a warden had to work through the Department of Environmental Services. Vote 13-0.

Amendment (0786h)

Amend the bill by replacing all after the enacting clause with the following:

1 Timber Harvesting; Terrain Alteration Permits. Amend RSA 485-A:17, III to read as follows:

III. Normal agricultural operations shall be exempt from the provisions of this section. The department may exempt other state agencies from the permit and fee provisions of this section provided that each such agency has incorporated appropriate protective practices in its projects which are substantially equivalent to the requirements established by the department under this chapter.

IV. Timber harvesting operations shall be exempt from the fee provisions of this section. ~~[Permits shall be granted for timber harvesting operations provided that the department of revenue administration's intent to cut form is completed.] Timber harvesting operations shall be considered in compliance with this section and shall be issued a permit by rule provided such operations are in accordance with procedures prescribed in the Best Management Practices for Erosion Control on Timber Harvesting operations in New Hampshire, published by the department of resources and economic development, and provided that the department of revenue administration's intent to cut form is signed.~~

2 Prosecution Authority. RSA 485-A:22-a is repealed and reenacted to read as follows:

485-A:22-a Cease and Desist Orders; Penalty. The director of the division of forests and lands, department of resources and economic development, or his *or her* authorized agents, may:

I. Issue a written cease and desist order against any timber operation in violation of this chapter. Any such violation may be enjoined by the superior court, upon application of the attorney general. A person failing to comply with the cease and desist order shall be guilty of a violation.

II. Prosecute any violation of this chapter as a violation. This provision shall not limit the state's enforcement authority under this chapter.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill exempts certain timber harvesting operations from certain environmental laws.

This bill also grants the director of the division of forest and lands the ability prosecute certain violations of law.

HB 562, relative to eliminating certain mercury-added products. **OUGHT TO PASS**

Rep. Suzanne S. Butcher for Environment and Agriculture: This bill is a continuation of the state's mercury reduction policy. It creates a two-step program which will phase out sale or distribution of products containing more than 1,000 mg of mercury in 2007 and more than 100 mg in 2009. Pharmaceuticals, biological products, and certain specialty lamps are exempted. Button cell batteries and fluorescent tubes contain less than 100 mg of mercury and therefore would not be subject to the ban. Many products such as thermometers, pressure measuring devices, switches, relays, and thermostats already have economical, functional equivalents on the market. There is an exemption for devices for which there is not a suitable, economical alternative. In conjunction with HB 371, this is a further step toward eliminating man-made mercury releases as called for by New Hampshire's Mercury Reduction Strategy and the Regional Mercury Action Plan. It is supported by the Department of Environmental Services. Vote 13-0.

HB 573, establishing a committee to study automobile disposal fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Burton W. Williams for Environment and Agriculture: Due to the complexities of our modern automobiles, and the many parts both hazardous and otherwise involved in the recycling process it has become necessary to establish a commission to study automobile disposal fees. Vote 18-0.

Amendment (0771h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study automobile recycling issues, including disposal fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study automobile recycling issues, including disposal fees.

2 Membership and Compensation.

1. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of environmental services, or designee.

(d) The commissioner of the department of safety, or designee.

(e) The commissioner of the department of transportation, or designee.

(f) One representative from the Auto Recyclers Association of New Hampshire, appointed by said association.

(g) One representative from the scrap processors industry, appointed by the speaker of the house of representatives.

(h) One representative from the Alliance of Automobile Manufacturers, appointed by the speaker of the house of representatives.

(i) One representative from the New Hampshire Auto Dealers Association, appointed by said association.

(j) One representative from the New Hampshire Municipal Association, appointed by said association.

(k) One representative from New Hampshire the Beautiful, Inc., appointed by said corporation.

(l) One representative from the insurance industry, appointed by the speaker of the house of representatives.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study automobile disposal or recycling fees, and whether said fees should be assessed at the time of purchase or at the time of disposal, and what department or entity should receive the fees and administer the program.

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2005.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a commission to study automobile recycling issues, including disposal fees.

HB 580, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D, and providing joint and several liability on all municipalities from a dissolved solid waste management district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Burton W. Williams for Environment and Agriculture: Over the years many solid waste management districts and interstate waste compacts have been formed. A commission to study the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compacts under RSA 53-D has become necessary. Vote 13-0.

Amendment (0808h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D.

Amend paragraph III of section 3 of the bill by replacing it with the following:

III. The effect of withdrawal of a majority of the members from a solid waste management district on the continuing environmental liabilities of the remaining district members.

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, all member municipalities of the New Hampshire/Vermont solid waste district, and the state library on or before November 1, 2005.

Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

AMENDED ANALYSIS

This bill establishes a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D.

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill makes changes to the pharmacy bill to allow electronically transmitted prescriptions and seeks to list categories of personnel responsible for various aspects of issuing prescriptions. The bill also adds podiatrists under the sale of hypodermic syringes. The committee strongly urges the pharmacy board to present the legislature with an extensive list of definitions next time they come before the legislature for any reason. Vote 16-0.

Amendment (0864h)

Amend the bill by replacing section 13 with the following:

13 Flunitrazepam; Controlled Drug Act; GHB and Ketamine Hydrochloride Removed. RSA 318-B:1-c is repealed and reenacted to read as follows:

318-B:1-c Flunitrazepam.

I. The legislature intends that the provisions of paragraph III of this section shall remain in effect until such time as flunitrazepam is scheduled by the commissioner of the department of human services in accordance with and pursuant to RSA 318-B.

II. The legislature finds that flunitrazepam, marketed under the trade name rohypnol, which has a sedative, hypnotic, and amnesiac effect, has no acceptable medical uses in the United States and carries a high potential for abuse. Therefore, flunitrazepam meets the criteria for placement on schedule I of controlled drugs.

III. Notwithstanding the provisions of RSA 318-B:1-a, relative to scheduling by rulemaking of the commissioner of the department of health and human services, flunitrazepam shall be scheduled as a schedule I controlled drug:

HB 290-FN, relative to participation in health savings accounts. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice L. Pilote for Executive Departments and Administration: The committee heard testimony reminding us that federal law already allows this type of health savings account provided they include a high deductible (\$1,000.00 minimum). The committee has further concerns about the ability of the State of New Hampshire to introduce these accounts absent their inclusion in the state employee negotiated contract. Vote 16-0.

HB 354, relative to the review, approval, and adoption of agency rules. **OUGHT TO PASS**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill allows house and senate policy committees to vote for a joint resolution on final agency rules, makes various changes to the adoption procedure for rules, and extends the study committee on improving the rule making process. This legislation was the output of a study committee and was well received by the Executive Departments and Administration Committee. It provides for more involvement of the policy committees in final approval process of agency rules, the primary issue identified by the study committee. Vote 19-0.

HB 383, relative to vital records administration. **OUGHT TO PASS WITH AMENDMENT**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill was a result of the transfer of the vital records from Health and Human Services to the Secretary of State. During this past summer, this committee rewrote rules into statutes. This bill will accomplish this task. This bill was amended to further clarify how the two departments will work together. The amendment is the result of subcommittee meetings which included representatives from the secretary of state's office as well as representatives from Health and Human Services. The amendment covers the process of handling requests for data for health related research as well as the process for adding or deleting data fields. Also included is a new section which requires a memorandum of understanding (MOU). This memorandum addresses the role of each agency in maintaining the state's vital record system. The purpose of the MOU is to facilitate a working relationship between the two agencies. The MOU will be reviewed annually at the request of the advisory committee on the quality of vital records information. The bill was further amended to change the retention of a natural fetal death record from one year to permanently. Vote 20-0.

Amendment (0905h)

Amend RSA 5-C:3, II as inserted by section 1 of the bill by replacing it with the following:

II. The division shall:

(a) Provide access to vital records and vital records data while assuring the privacy of all New Hampshire citizens.

(b) Outline the confidentiality requirements for vital records.

(c) Set forth the procedures, conditions, and criteria for release of information regarding vital records data and statistics.

(d) Enforce the provisions of this chapter in regard to the collection, maintenance, and dissemination of vital records information.

(e) Provide guidance to data collectors pursuant to this chapter.

(f) Describe the informational requirements of the forms used by the division of vital records for the collection of vital records information.

(g) Establish, in conjunction with the department of health and human services, the procedures, conditions, and criteria for release of information regarding vital records data and statistics for health-related research pursuant to RSA 126:24-d.

Amend RSA 5-C:5 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. The secretary of state shall not remove or add any data fields used for purposes of protecting the public health or to conduct health-related research without prior notice and agreement of the department of health and human services.

Amend RSA 5-C:9, V as inserted by section 1 of the bill by replacing it with the following:

V. Disclosure of certain information and statistical data to federal, state, or local agencies and research for legitimate purposes other than requests for vital records information for the purposes of health-related research under RSA 126:24-c may be authorized by the registrar under RSA 5-C:102-111.

Amend RSA 5-C:96, II(m) as inserted by section 1 of the bill by replacing it with the following:

(m) Fetal death report: retained permanently.

Amend RSA 5-C:102, III as inserted by section 1 of the bill by replacing it with the following:

III. In this chapter, the following persons shall be deemed to have a direct and tangible interest with regard to access to a vital record: the registrant; a member of the registrant's immediate family; the registrant's legal guardian; the registrant's legal representative; persons demonstrating a need for information for the determination or protection of a personal or property right; members of the press, radio, television, and other news media when the information requested by such media sources is of a public nature; persons authorized by the immediate family to conduct genealogical research; and the spouse of a divorced or legally separated person whose former marriage has been legally dissolved who is requesting certified copies of such divorce, legal separation, or civil annulment record.

Amend RSA 5-C:108 as inserted by section 1 of the bill by replacing it with the following:

5-C:108 Procedures for Requesting Vital Records Data for Health-Related Research. Vital records data or copies of vital records that directly or indirectly identify individuals shall be made available for health-related research purposes upon receipt of a written application and approval of the state's institutional review board pursuant to RSA 126:24-d.

Amend RSA 5-C as inserted by section 1 of the bill by deleting RSA 5-C:109 and renumbering the original RSA 5-C:110-112 to read as RSA 5-C:109-111, respectively.

Amend RSA 5-C:110 as inserted by section 1 of the bill by replacing it with the following:

5-C:110 Public Use Statistical File. The department shall make available a public use statistical file containing vital record information of all New Hampshire residents. The public use statistical file shall not contain any identifying personal information or information to constructively identify an individual.

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 12:

11 New Section; Vital Records and Health Statistics; Memorandum of Understanding. Amend RSA126 by inserting after section 24-c the following new section:

126:24-cc Memorandum of Understanding. The commissioner and secretary of state shall enter into a memorandum of understanding to address the role of each agency in maintaining the state's vital record system. The memorandum shall facilitate a working relationship between the 2 agen-

cies in meeting their respective responsibilities under this chapter and RSA 5-C. The memorandum shall be reviewed annually and may be modified at the request of either agency or at the request of the advisory committee on quality of vital records information under RSA 126:24-h.

AMENDED ANALYSIS

This bill repeals and reenacts RSA 5-C, relative to vital records administration. The bill removes the rulemaking authority of the secretary of state, division of vital records and codifies existing rules relative to vital records administration with certain technical changes, including that fetal death reports be retained permanently and that government agencies may make special arrangements to receive copies of vital records at a reduced cost. The bill also requires the secretary of state and the commissioner of the department of health and human services to enter into a memorandum of understanding relative to the state's vital record system.

HB 420, relative to licensing by the board of mental health practice. OUGHT TO PASS WITH AMENDMENT

Rep. James B. Coburn for Executive Departments and Administration: This bill adds language for procedures for receiving and addressing complaints against licensees who have had a personal or professional relationship with a board member, including guidelines for recusal and replacement of recused board members. The amendment has language proposed by the subcommittee and agreement by the board and others providing testimony. Vote 17-0.

Amendment (0881h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to receiving and addressing complaints against licensees by the board of mental health practice.

Amend the bill by replacing all after section 1 with the following:

2 Mental Health Practice; Disciplinary Action; Agent of the Board. Amend RSA 330-A:27, IV to read as follows:

IV. No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter. *Agents of the board granted immunity from civil action shall include persons assigned by the board to supervise disciplined licensees under board-imposed disciplinary requirements. Agents granted civil immunity shall not include supervisors of candidates for licensure. Any member of the board, employee, or agent shall comply with the ethical standards of his or her profession.*

3 New Paragraph; Mental Health Practice; Investigations and Complaints. Amend RSA 330-A:28 by inserting after paragraph I the following new paragraph:

I-a. Any board member who has had a personal relationship or has worked in a professional capacity with a complainant or with a licensee against whom a complaint has been filed or whose personal or professional views regarding the licensee or the complainant could prevent the board member from being impartial in considering the complaint shall recuse himself or herself from any investigation or disciplinary action against such licensee. If the chairman of the board is recused, the remaining board members shall elect an acting chairperson from among the board. The chairperson or acting chairperson shall appoint a former board member or a member from the appropriate advisory committee to replace the recused board member during the investigation and proceedings against the licensee. The replacement board member shall be from the same mental health discipline as the recused member.

4 Mental Health Practice; License Expirations. Amend RSA 330-A:31 to read as follows:

330-A:31 Expirations and Renewals. Licenses shall be valid for a period of 2 years and shall become invalid on the expiration date unless renewed. It shall be the duty of the board to notify every person licensed by the board under this chapter of the date of expiration of the license and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at least ~~one month~~ **2 months** in advance of the date of expiration of such license. Renewal shall be conditional upon filing a timely and complete renewal application and payment of the fee as set by the board.

5 Effective Date. This act shall take effect July 1, 2005.

HB 465-FN, authorizing the board of medicine to take non-disciplinary remedial action against physicians. **OUGHT TO PASS**

Rep. Ken Hawkins for Executive Departments and Administration: This bill allows the board of medicine to take non-disciplinary action against physicians. This would allow the board to have more options when dealing with a physician who has a physical or mental disability, disease or disorder. Currently, the only option is revocation. This bill gives the board of medicine four other options of actions, such as suspension, revocation, treatment care or practicing under the direction of another physician or a public or private health care program. Vote 13-0.

HB 481, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, and RSA 171-B. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Executive Departments and Administration: This bill was requested by the Department of Health and Human Services for the purpose of establishing a commission to study the location of the secure psychiatric unit (SPU) and places where persons are committed under RSA 651:8-b (Persons Acquitted by Reason of Insanity); RSA 135-C (Mental Health Services System); RSA 171-B (Involuntary Admission for Persons Found not Competent to Stand Trial); RSA 623:1 (Correctional Facility Transfers). The SPU is currently located within the state prison. The study will examine locations that will enable medical reimbursement. Vote 13-0.

Amendment (0743h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171B, and RSA 623:1.

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1.

Amend paragraph I of section 2 of the bill by inserting the following new subparagraph after subparagraph (d):

(e) A representative of the New Hampshire Association of Counties, correctional affiliate, appointed by the association.

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1. The commission shall also examine the issue of federal reimbursement for the secure psychiatric unit.

AMENDED ANALYSIS

This bill establishes a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1.

HB 532, relative to the licensure of dentists by the board of dental examiners. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill makes changes in the language for licensure of dentists requiring that an applicant for temporary licensure as a dentist in New Hampshire must be an active, inactive or former licensee in New Hampshire or in another state or Canadian province as determined by the board. Vote 14-0.

Amendment (0767h)

Amend the bill by replacing section 3 with the following:

3 Practice of Dentistry. Amend RSA 317-A:20, I(c)-(h) to read as follows:

(c) Directly or indirectly informs the public in any language, orally, in writing, or in print-ing, or by drawings, demonstrations, specimens, signs, or pictures that the person can perform or will attempt to perform dental operations of any kind; ~~or~~

(d) Undertakes, by any means or method, *including by use of electronic media*, gratuitously or for a salary, fee, money, or other reward paid or granted directly or indirectly to that person or to any other person, to diagnose or profess to diagnose, to treat or profess to treat, or prescribe for or profess to prescribe for any of the lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla, or mandible or adjacent associated structures;

(e) [~~Extracts human teeth or corrects malpositions thereof or of the jaws~~] *Supervises a dentist within the scope of the practice of dentistry*;

(f) Except on the written prescription of a duly licensed dentist and by the use of impressions or casts made by a duly licensed and practicing dentist, directly or indirectly by mail, carrier, personal agent, or by any other method, furnishes, supplies, constructs, reproduces, or repairs prosthetic dentures, bridges, appliances, or other structures to be used and worn as substitutes for natural teeth, or adjusts the same; *or*

(g) Administers dental anesthetics, either general or local[~~;~~*or*

(h) ~~Engages in any of the practices included in the curricula of recognized dental colleges~~].

HB 595-FN, establishing the position of state meat inspector. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter F. Bergin for Executive Departments and Administration: The committee on Environment and Agriculture worked on reestablishing the position of state meat inspector as a classified state employee. The Executive Departments and Administration Committee listened to testimony and agreed with the Environment and Agriculture Committee that the position was needed. The said position shall be funded entirely through federal, state and private grants. Vote 19-0.

Amendment (0698h)

Amend the bill by replacing section 1 with the following:

1 Position Established. There is established in the department of agriculture, markets, and food, the position of state meat inspector who shall be a classified state employee. The state meat inspector shall enforce the provisions of RSA 427:1 through RSA 427:37. Said position shall be funded entirely through federal, state, and private grants.

AMENDED ANALYSIS

This bill establishes the position of state meat inspector. The position is funded by government and private grants.

HB 637-FN, relative to licensure of alcohol and drug abuse professionals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Laurie A. Harding for Executive Departments and Administration: This bill amends RSA 330-C:9II(a), licensing requirements for alcohol and drug abuse professionals. The bill allows individuals who have gone through a masters degree program and who have had 2000 hours of supervised work experience sit for the licensing exam for alcohol and drug abuse professionals. Alcohol and drug abuse counselors have been licensed in New Hampshire since 1997. Prior to HB 637, all licensees including those that have a masters degree, were required to have 6000 hours of supervised work experience prior to taking the exam. HB 637 allows for another way to meet the licensing requirements. The amendment amends the original bill so that masters prepared individuals must take all the written and oral exams required of those individuals who get their licenses through 6000 hours of supervised work experience. Vote 14-0.

Amendment (0736h)

Amend the bill by replacing section 2 with the following:

2 Licensure as an Alcohol and Drug Counselor. RSA 330-C:9, II(a) is repealed and reenacted to read as follows:

(a) For licensure as an alcohol and drug counselor (LADC):

(1) Experience and competence-based licensure:

(A) 6,000 hours of supervised alcohol and drug abuse work experience;

(B) 270 hours of alcohol and drug abuse training and education;

(C) 300 hours of supervised practical training, which may be included as part of the requirements under subparagraph (a)(1)(A);

(D) Passing of the written ICRC test for alcohol and drug counselors; and

(E) Passing of the oral ICRC test for alcohol and drug counselors; or

(2) Master's degree licensure:

(A) A master's degree in clinically-based behavioral sciences or addiction counseling or a related field from an accredited college or university;

(B) 2,000 hours of supervised alcohol and drug abuse work experience, 1,000 of which shall be earned post-masters and 1,000 of which may be earned concurrent with the masters course of study.

(C) 270 hours of alcohol and drug abuse training and education;

(D) 300 hours of supervised practical training, which may be included as part of the requirements under (a)(2)(B);

(E) Passing of the written ICRC test for alcohol and drug counselors; and

(F) Passing of the oral ICRC test for alcohol and drug counselors.

HB 31-FN-A, relative to state matching funds for Federal Emergency Management Agency disaster assistance grants and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**
Rep. Robert L. Wheeler for Finance: The committee felt the frustration shared by the bill's sponsor in regard to timely re-imbursement of disaster expenses however there was little desire to use interest as a catalyst for payment. Vote 24-0.

HB 172, relative to periodic review of state contracts by the legislative fiscal committee. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Franklin for Finance: The Finance Committee believes that the Fiscal Committee and the Governor and Executive Council have sufficient means to review state contracts, and therefore the bill is not needed. Vote 24-0.

HB 272-FN-A, making an appropriation to the barn preservation fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee recognized the current financial circumstances of the State and desiring to keep the discussion going we submit the bill as Ought to Pass with Amendment with \$1 in it and ask for your support. Vote 22-2.

Amendment (0608h)

Amend the bill by replacing section 1 with the following:

1 Barn Preservation Fund; Appropriation. The sum of \$1 for the fiscal year ending June 30, 2006 is hereby appropriated to the barn preservation fund established in RSA 227-C:28, for the purpose of preserving historic barns and agricultural structures in New Hampshire. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill makes an appropriation of \$1 for the 2006 fiscal year to the barn preservation fund.

HB 547-FN, changing the funding limit for on-premise-use fuel oil storage facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: A tax on all heating oil entering New Hampshire is sent to a dedicated fund. There are three sub-funds, and this bill affects the Fuel Oil Discharge Cleanup Fund (FODCF). The board managing these funds felt that an increase in the disbursements to eligible private citizens was called for to conform with actual costs. Low income single family home-owners may apply for up to \$1,500 (increased from \$1,000) for upgrade replacement costs for heating oil storage tanks and related plumbing. Eligible recipients may also receive reimbursement for underground storage tank abandonment and removal. This program protects our ground water. The amendment corrects a typo and adds \$500 to make the \$2500. Vote 23-0.

Amendment (0541h)

Amend RSA 146-E:6, II as inserted by section 1 of the bill by replacing it with the following:

II. Owners of facilities or land eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of on-site and off-site cleanup of fuel oil discharges in amounts not to exceed a total of \$500,000, incurred on or after October 1, 1992. Owners of on-premise-use facilities or land eligible under this chapter who have demonstrated financial need, may apply for reimbursement of costs to meet the requirements of RSA 146-E:4, I and II in amounts not to exceed a total of ~~[\$1,000]~~ **\$1,500 and may apply for reimbursement of underground storage tank abandonment or removal costs in amounts not to exceed a total of \$2,500**, incurred on or after ~~[July 1, 1999]~~ **the effective date of this paragraph**.

HB 711-FN-A-L, making an appropriation for kindergarten in the town of Merrimack. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: Rather than approving a "legislative special", the committee believes that the monies for Merrimack's Kindergarten program are better placed in HB 2. Consequently, the committee voted HB 711-FN-A-L Inexpedient to Legislate and appropriated \$275,000. as an amendment to HB 2. Vote 21-1.

HB 140, prohibiting the use of drugs and poisons in hunting. **INEXPEDIENT TO LEGISLATE**
Rep. Robert J. L'Heureux for Fish and Game: This bill would have prohibited the use of any kind of poison or tranquilizer for the taking of wildlife. The committee felt that the bill had merit and good intent. However, testimony during the hearing indicated that there were sufficient RSA's to address the sponsors' concerns. The Fish and Game Department indicated it would like to review and analyze this issue before pursuing any further legislation. The committee unanimously agreed with the Department's proposal. Vote 10-0.

HB 225, relative to liability for the use of municipal ski jump facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Judiciary: This bill was introduced to limit a municipality's liability for personal injury on property damage from using a municipal ski jump hoping that this would ease their liability insurance premiums. The committee found that granting immunity to the municipality in the absence of gross or wanton negligence when the ski jump is used for the purpose of ski jumping, and total immunity when used for any other purpose, would not adequately protect the public and would act as a disincentive to providing proper maintenance, supervision and security. Moreover, the testimony indicated strongly that the pool of ski jumps is too small for this bill to have more than a negligible effect upon liability insurance premiums. Vote 15-4.

HB 295, relative to access to certain motor vehicle records. **INEXPEDIENT TO LEGISLATE**
Rep. Peter Espieffs for Judiciary: Presently, under RSA 260:14 III-a, motor vehicle records, with some exceptions, may be made available to the Department of Transportation for enforcement of its toll collection responsibilities. The proposed bill seeks to add a new section authorizing release of motor vehicle records to a defense attorney of record in a criminal case, to his staff acting under his direction or to any private licensed investigator hired by the attorney. The bill gives defense counsel, his staff and investigators blanket access to the motor vehicle records of any defendant, complainant or any potential witness in a criminal case, whether or not the case is related to a motor vehicle enforcement purpose or incident. Such sweeping records access could lead to incidental disclosure of personal information about such persons, their families, and activities. As to potential witnesses, it is particularly troubling since personal life details would be at risk of exposure under the auspices of a legislated fishing expedition. It is submitted that courts already provide adequate and protective processes for obtaining the information and evidence needed for a proper criminal defense. Vote 17-2.

HB 368, relative to limiting the sworn testimony of witnesses. **INEXPEDIENT TO LEGISLATE**
Rep. James E. Wheeler for Judiciary: The committee appreciates the sponsor's intent in bringing this bill forward. He has a legitimate concern, but one that the committee believes is without legislative remedy. While instructing a witness to limit his or her testimony can be unnerving to the witness, telling the jury that a witness's testimony has been limited will not solve the problem and might cause inappropriate speculation on the part of the jury. It is up to the judge in a case to tell the jury that if evidence is excluded, they are not to speculate as to what it was; the possible situations in a courtroom are extremely fluid and volatile and one rule for all cases would not work. It needs to be up to the judge's discretion to decide what is appropriate in each case. When the sponsor was made aware of these problems, he agreed to the ITL. Vote 15-0.

HB 495, relative to court records in civil cases involving taxpayer money. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Wheeler for Judiciary: The committee believes this bill is unnecessary. We passed a bill in the last session that accomplished a similar result to this bill, requiring any settlement made by a governmental unit be kept and available for public inspection for at least ten years. Vote 18-0.

HB 542, making technical corrections to the uniform trust code. **OUGHT TO PASS**

Rep. John B. Hunt for Judiciary: This bill is making technical changes to the new law past last year. The law, modeled after The Uniform Trust Code, provides New Hampshire with a compre-

hensive and consistent framework of trust laws. The bill is a result of an intense yearlong study by representatives of the legal community, banking industry, the Attorney General's Office-Charitable Trust Division and the Probate Court. The statutory framework of case law will continue to help reduce legal fees and address questions of interpretation when a trust has missing instructions. Having this law makes New Hampshire an appealing domicile for trusts to be located. This bill helps to further clarify issues that may arise when a trust is implemented. Vote 18-3.

HB 617-FN, allowing current court stenographers to retain their positions in the New Hampshire courts. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen J. Shurtleff for Judiciary: The committee heard how the conversion to monitoring devices in the courts in some instances resulted in incomplete court records. Information was given to the committee that microphones in court rooms do not always pick up the testimony of witnesses, thereby causing an incomplete record of court proceedings. When important decisions hang in the balance, it is imperative that the court records are accurately recorded and transcribed. Court reporters are certified professionals who most effectively and accurately provide this service, even providing real time transcriptions for the court which can benefit those who are hearing impaired as well. The commission established in HB 617 will study the current methods being used to record court proceedings, assess the role of court reporters and court monitors used in the court system and review procedures for maintaining the integrity of the court record keeping. Vote 18-1.

Amendment (0080h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the future role of court reporters in New Hampshire's court system.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The general court finds that the New Hampshire courts have used live court reporters for many years and recognize their importance in maintaining the most accurate court record available for the citizens of this state. The general court further finds that there is an important role for court reporters to accommodate deaf and hearing-impaired litigants, defendants, jurors, attorneys, and witnesses, and to comply with the Americans with Disabilities Act, as well as to avoid the costs associated with poor transcription of court recordings from the use of recording machines only.

2 Commission Established. There is established a commission to study the future role of court reporters in New Hampshire's court system.

3 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The chief justice of the supreme court, or designee.

(d) The attorney general, or designee.

(e) A member nominated by the New Hampshire Defense Lawyers Association and appointed by the governor.

(f) A member nominated by the New Hampshire Bar Association and appointed by the governor.

(g) A member nominated by the New Hampshire Trial Lawyers Association and appointed by the governor.

(h) A member nominated by the New Hampshire Court Reporters Association and appointed by the governor.

(i) Two public members, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties. The commission shall:

I. Study the current methods being used to record court proceedings and assess the impact they have on obtaining the best form of justice for the citizens of New Hampshire.

II. Assess the role of court reporters and court monitors as used in the court system.

III. Review possible procedures for reporting for injustices relating to inaccurate or incomplete transcripts.

5 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 30 days of the effective date of this section.

6 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 30, 2005.

7 Effective Date. This act shall take effect upon its passage.

This bill establishes a commission to study the future role of court reporters in New Hampshire's court system.

HB 672-FN, relative to notaries public and adopting the Uniform Law on Notarial Acts. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Judiciary: This bill adds commissioners of deeds to the law on notaries public and commissioners. The bill also adds penalties for misconduct by notaries and justices of the peace, adopts the Uniform Law on Notarial Acts, and repeals the Uniform Acknowledgment Act and the Uniform Recognition of Acknowledgements Acts. The amendment lowers the penalties from \$5,000 to \$1,000, lowers the registration fee from \$100 to \$75, and creates a due process for assessing the penalty. Vote 17-0.

Amendment (0906h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to notaries public, justices of the peace, and adopting the Uniform Law on Notarial Acts.

Amend RSA 455:16 as inserted by section 6 of the bill by replacing it with the following:

455:16 Misconduct, Penalties.

I. A person shall be subject to a civil penalty not to exceed \$1,000 if such person:

(a) When applying for a commission as a notary public, negligently or recklessly makes a material false representation on the application form;

(b) Holding a commission as a notary public or justice of the peace, negligently or recklessly makes a notarial act that is false;

(c) Holding a commission as a notary public or justice of the peace, negligently or recklessly makes a notarial act for a person not personally known by the notary without first requiring the person to establish his or her identity; or

(d) Holding a commission as a notary public or justice of the peace, negligently or recklessly makes a notarial act purporting to have witnessed the maker's signing of the document or purporting to have received the oath or affirmation of the person, when the notary did not actually witness the maker's signing of the document or did not actually receive the oath or affirmation of the person.

II. A person shall be guilty of a class A misdemeanor if such person purposefully or knowingly commits any of the acts listed in paragraph I.

III.(a) The court, upon petition of the attorney general, may levy upon any person who violates the provisions of paragraph I a civil penalty in an amount not to exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the secretary of state for deposit into the general fund.

(b) The attorney general shall have authority to notify suspected violators of this section of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected violators without court action, provided any civil penalty paid as settlement shall be paid to the secretary of state for deposit into the general fund.

Amend RSA 5:10 as inserted by section 7 of the bill by replacing it with the following:

5:10 Office Fees. Except as otherwise provided, the following fees shall be paid to the secretary of state for the use of the state: For every commission issued to a justice of the peace or to a notary public, ~~[\$50]~~ **\$75, \$25 of which shall be deposited into the fund established by RSA 660:31 for the use of the secretary of state and the attorney general as provided by RSA 455:17;** for every certificate pertaining to the existence of a corporation, trade name, or other business entity, or writ served on the same, \$5; for every such certificate in long form, \$10; for every apostille provided under the Hague Convention of 1961 and for every certificate for a notary public or justice of the peace, \$10; for every other certificate under seal of the state, \$5; for engrossing private acts, \$1 for each page of 240 words; for expedited service of every 10 documents or any part thereof, \$25.

Amend the bill by inserting after section 11 the following and renumbering the original sections 12 and 13 to read as 13 and 14, respectively:

12 Application; Penalty for False Representation Added. Amend RSA 455-A:2 to read as follows: 455-A:2 Application.

I. Any person applying to be a justice of the peace shall indicate on the application whether he or she has been a registered voter in this state for at least 3 years immediately preceding the date of application. The applicant must sign a written statement under oath stating ~~[as to]~~ whether the applicant has ever been convicted of a crime that has not been annulled by a court, other than minor traffic violations. The applicant shall be endorsed for appointment by 2 justices of the peace and a registered voter of this state.

II. *A person shall be subject to a civil penalty not to exceed \$1,000 if he or she negligently or recklessly makes a material false representation on the application form when applying for a commission as a justice of the peace. A person is guilty of a class A misdemeanor if he or she purposefully or knowingly makes a material false representation on the application form when applying for a commission as a justice of the peace. The civil penalty shall be imposed in the same manner as set forth in RSA 455:16.*

AMENDED ANALYSIS

This bill:

I. Adds commissioners of deeds to the law on notaries public and commissioners.

II. Adds penalties for misconduct by notaries and justices of the peace.

III. Adopts the Uniform Law on Notarial Acts.

IV. Repeals the Uniform Acknowledgment Act and the Uniform Recognition of Acknowledgments Acts.

HB 126, relative to grounds for termination of employment. OUGHT TO PASS WITH AMENDMENT

Rep. Herbert D. Richardson for Labor, Industrial and Rehabilitative Services: This bill strengthens the Whistleblowers Protection Act for employees while still including provisions protecting the employer. The committee felt that an employee should not be retaliated against for exercising the first amendment. The committee heard testimony from numerous people including the Department of Labor all in support of the bill. Vote 16-0.

Amendment (0850h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to a public employee right of free speech.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Public Employee Right of Free Speech. Amend RSA 275-E by inserting after section 7 the following new subdivision:

Protection of Public Employee's Right of Free Speech

275-E:8 Definitions. In this subdivision:

I. "Employee" means any person employed by a public employer except:

(a) Persons elected by popular vote.

(b) Persons whose duties imply a confidential relationship to the public employer.

II. "Employer" means the state and any political subdivision thereof, the judicial branch of the state, any quasi-public corporation, council, commission, agency or authority, and the state university system.

275-E:9 Right to Speak Protected.

I. No employer shall discharge, threaten, or otherwise discriminate against any employee regarding such employee's compensation, terms, conditions, location, or privileges of employment because the employee has exercised the right of free speech including the public discussion of issues of public interest concerning his or her employment.

II. Without in any way limiting the rights and protections afforded to employees under RSA 275-E or any other law, the right of protected speech under this subdivision shall not extend to fiduciary relationships, the divulgence of confidential financial information, trade secrets, patents, or the personal or medical records of patients, clients, or other employees without the prior consent of the patient, client, or employee.

2 Rights and Remedies; Public Employee Right of Free Speech Added. Amend RSA 275-E:4, I to read as follows:

1. Any employee who alleges a violation of rights under RSA 275-E:2 [or], 3, or 9 and who has first made a reasonable effort to maintain or restore such employee's rights through any grievance procedure or similar process available at such employee's place of employment, may obtain a hearing with the commissioner of labor or a designee appointed by the commissioner. Following such hearing, the labor commissioner or the designee appointed by such commissioner shall render a judgment on such matter, and shall order, as the commissioner or his designee considers appropriate, reinstatement of the employee, the payment of back pay, fringe benefits and seniority rights, any appropriate injunctive relief, or any combination of these remedies.

3 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill protects a public employee from discharge or discrimination when the public employee has spoken about a matter that is of public interest concerning his or her employment. Protected speech does not include speech that divulges trade secrets, patents, or certain other confidential information, or information from a fiduciary relationship.

HB 170, relative to unemployment compensation. **OUGHT TO PASS WITH AMENDMENT**
Rep. William J. Infantino for Labor, Industrial and Rehabilitative Services: This bill has two distinct parts. The first part is a cleanup bill that adds rules and regulations required by the federal government. These changes must be implemented into law in order for the state to receive unemployment funds from the government after June 30, 2006. The second part of the bill provides unemployment benefits to certain part-time workers who are unable to meet the criteria of working full time, any time, in order to qualify for unemployment benefits, as a result of dependant child care. Vote 14-0.

Amendment (0828h)

Amend RSA 282-A:45-a, I as inserted by section 3 of the bill by replacing it with the following:

I. An employing unit or employer shall file a mass layoff notice with the department if the employer lays off or expects to lay off 25 or more individuals:

- (a) In the same calendar week;
- (b) For an expected duration of 7 days or more; and
- (c) For either of the following reasons:
 - (1) Vacation or holiday shutdown; or
 - (2) Company Closure.

Amend RSA 282-A:45-a as inserted by section 3 of the bill by inserting after paragraph III the following new paragraph:

IV. An employing unit or employer may be granted a waiver from filing the mass layoff notice required in paragraph I if the commissioner determines, in accordance with such rules as the commissioner shall adopt, that it is unlikely that 25 or more of the individuals laid off will file an initial claim, as defined in RSA 282-A:42, II(a), due to the expected receipt of wages, as defined in RSA 282-A:14, III. Any such waiver shall become void if in fact 25 or more of the individuals laid off claim benefits.

Amend RSA 282-A:91-a, I(c) – I(h) as inserted by section 6 of the bill by replacing them with the following:

(c) In determining whether there is any common ownership, management, or control of 2 employers, the commissioner shall use objective factors which may include the extent of commonality or similarity of: ownership; any familial relationships; principals or corporate officers; organizational structure; day-to-day operations; assets and liabilities; and stated business purposes. Ownership of publicly traded mutual funds, publicly traded stocks, and similar publicly traded investments shall not be indicative of common ownership, management, or control.

(d) In determining whether a substantial purpose of the transfer of trade or business was to obtain a reduced liability for contributions, the commissioner shall use objective standards which may include the cost of acquiring the business to which the experience was transferred; how long such business enterprise was continued after the transfer; the extent to which such business enterprise reduced its workforce following the transfer; the size of each employer's workforce before and after the transfer; and the business activity conducted by each employer prior to, and after, the transfer.

(e) In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions, the commissioner shall use objective factors which may include the cost of acquiring the business, whether the person continued the business enterprise of the acquired business, how long such business enterprise was continued, or whether a substantial number of new employees were hired for performance of duties unrelated to the business activity conducted prior to acquisition.

(f)(I) If a person knowingly violates or attempts to violate subparagraph (a), (b), or (g) or any other provision of this chapter related to determining the assignment of a contribution rate, or if a person knowingly advises another person in a way that results in a violation of such provision, the person shall be subject to the following penalties:

(A) If the person is an employer, such employer shall be assigned the highest rate assignable under this chapter for the rate year during which such violation or attempted violation occurred and the 3 rate years immediately following this rate year. However, if the person's business is already at such highest rate for any year, or if the amount of increase in the person's rate would be less than 2 percent for such year, then a penalty rate of contributions of 2 percent of taxable wages shall be imposed for such year.

(B) If the person is not an employer, such person shall be subject to a civil fine of not more than \$5,000. Any such fine shall be deposited in the fund established by RSA 282-A:140. Such person shall also be jointly and severally liable with any liable employer for additional contributions and all related penalties, fees, interest, and costs owed as a result of the application of this section. Such person shall be subject to civil action for such liability in any manner provided for collection of contributions in RSA 282-A:141-156.

(2) In addition to other penalties imposed in this paragraph, any violation of this section may be prosecuted under RSA 282-A:166 or any other appropriate statute.

(g) The commissioner shall establish procedures to identify the transfer or acquisition of a business for purposes of this section.

(h) For purposes of this section:

(1) "Knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

(2) "Person" means "person" as defined in section 7701(a)(1) of the Internal Revenue Code of 1986.

(3) "Trade or business" includes the employer's workforce.

(4) "Violates" or "attempts to violate" includes, but is not limited to, intent to evade, misrepresentation, and willful nondisclosure.

(i) The reporting by an employer of its payroll under the account of another employer with which there is no common ownership, management, or control, is prohibited unless the reporting employer is an employee leasing company lawfully making such report.

(j) A management company which contracts with any employer to report wages of managed employees shall be considered, in accordance with such rules as the commissioner may adopt, to have common management or control with such employer, and with any other management company with which the employer may contract for the same purpose in the future.

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 13:

10 Partial Unemployment. Amend RSA 282-A:14, I to read as follows:

1.(a) An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to him and during which he performs no services. An individual who is not entitled to vacation pay from his employer shall be deemed to be in "total unemployment" during the entire period of any general closing of his employer's place of business for vacation purposes, notwithstanding his prior assent, direct or indirect, to the establishment of such vacation period by his employer.

(b) An individual who meets the requirements of RSA 282-A:31,V and who is seeking only part-time work shall be deemed to be partially unemployed only in any week during which the individual was employed fewer than 20 hours.

11 New Paragraph; Unemployment Compensation; Benefit Eligibility Conditions. Amend RSA 282-A:31 by inserting after paragraph IV the following new paragraph:

V. Subparagraphs I(c) and I(d) of this section shall not apply to individuals who are seeking solely part-time work if the individual establishes that:

(a) The individual is the only available adult to care for the individual's natural, adopted, step, or foster child under the age of 16;

(b) The individual's last 6 months in employment as defined in RSA 282-A:9, except RSA 282-A:9, IV(f), or wages earned in a like manner in another state, usually consisted of 30 or fewer hours each week throughout such 6 month period;

(c) The individual is ready, willing, and able to accept and perform suitable work at least 20 hours per week for which there is a market for the services the individual offers, and that the individual has exposed himself or herself to employment to the extent commensurate with the economic conditions and the efforts of a reasonable prudent person seeking work; and

(d) There exists in the individual's labor market area sufficient suitable work during the hours or shifts to which the individual is restricted.

12 Unemployment Benefits; Disqualification of Benefits. Amend RSA 282-A:32, 1(d)(2)(D) – (E) to read as follows:

(D) If ~~[he]~~ *the individual* is unable to apply for or accept work during the hours of the third shift, so-called, because he *or she* is the only adult available ~~[for the care of his children under the age of 15 during said hours or]~~ for the care of an ill or infirm elderly person who is dependent on him for support.

(E) *If the individual is unable to apply for or accept work during the hours of a particular shift because he or she is the only adult available for the care of a natural, adopted, step or foster child under the age of 16; or*

(F) If the individual is permanently physically and/or mentally disabled, full-time work for such individual shall be deemed to be the hours and shifts the individual is physically able to work as certified by a licensed physician provided there is a market for the services the individual offers during such hours and shifts.

AMENDED ANALYSIS

This bill makes various changes to laws on unemployment compensation administered by the department of employment security including mass layoff, appeals of benefits determinations, and transfers of businesses by employers.

This bill also makes changes to unemployment compensation eligibility requirements for individuals seeking part-time work.

This bill is a request of the department of employment security.

HB 246, establishing a committee to study the classification of employees as independent contractors. **OUGHT TO PASS**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This bill establishes a study committee to investigate the common belief that many so called independent contractors are misclassified and should be considered employees. The committee heard testimony from a number of interested parties from various business interests and there was no testimony against the study committee. The result of the misclassified employees are numerous including loss of benefits including workers compensation, loss of revenue to the state and federal government and incurred insurance costs. These issues need to be studied to examine the possible need for corrective legislation. Vote 16-0.

HB 329, establishing the crime victim employment leave act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph N.S. Holden for Labor, Industrial and Rehabilitative Services: This bill allows a victim of a crime to be involved in the process of prosecuting the criminal without fear of job loss. The committee felt this bill only strengthens the authority's ability to fight crime. During the hearing, the committee heard no opposition to the bill. The sponsor of the bill worked with the subcommittee to remedy any concern it had. Vote 15-1.

Amendment (0823h)

Amend RSA 275:61 as inserted by section 1 of the bill by replacing it with the following:

275:61 Definitions. In this subdivision:

I. "Crime" means an offense designated by law as a felony or a misdemeanor.

II. "Employee" means employee as defined in RSA 275:4.

III. "Employer" means employer as defined in RSA 275:4, provided that for the purposes of this subdivision, an employer shall have 25 or more employees for each working day in each of 20 or more calendar weeks during any calendar year.

IV. "Immediate family" means the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim; or any person involved in an intimate relationship and residing in the same household with the victim.

V. "Victim" means any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.

Amend RSA 275:62, I as inserted by section 1 of the bill by replacing it with the following:

I. An employer shall permit an employee who is a victim of a crime to leave work so that the employee may attend court or other legal or investigative proceedings associated with the prosecution of the crime.

Amend RSA 275:65 as inserted by section 1 of the bill by replacing it with the following:

275:65 Penalty. Any employer violating any provision of this subdivision shall be subject to a civil penalty, to be imposed by the labor commissioner in accordance with the procedures established in RSA 273:11-a. An employer aggrieved by the commissioner's assessment of such penalty may appeal in accordance with RSA 273:11-b.

AMENDED ANALYSIS

This bill establishes the crime victim employment leave act which requires that employers allow employees who are victims of certain crimes to leave work to attend court or other legal or investigative proceedings associated with the prosecution of the crime, or to attend counseling sessions necessitated by the crime.

HB 393, establishing a committee to study methods for requiring employers to permit volunteer firefighters to respond to calls. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: This bill creates a study committee to examine methods for allowing employers to permit voluntary and paid on-call emergency first responders to answer calls. The committee felt this is very much in the public's interest. Vote 15-0.

Amendment (0392h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study methods for requiring employers to permit voluntary and paid on-call emergency first responders to respond to calls.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study methods for requiring employers to permit voluntary and paid on-call emergency first responders to respond to calls.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study methods for requiring employers to permit voluntary and paid on-call emergency first responders to respond to calls. The committee shall also examine the feasibility of protecting firefighters from employment discrimination in a manner similar to protections afforded members of the national guard under RSA 110-B:65.

AMENDED ANALYSIS

This bill establishes a committee to study methods for requiring employers to permit voluntary and paid on-call emergency first responders to respond to calls.

HB 404, permitting public sector employees to request a wage deduction for contributions to a political action committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Guida for Labor, Industrial and Rehabilitative Services: This bill enables employees to request wage deductions for political action committees, just as they can now request deductions for charities and other causes. Vote 15-0.

Amendment (0681h)

Amend the title of the bill by replacing it with the following:

AN ACT permitting employees to request a wage deduction for contributions to a political action committee.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Withholding of Wages; Contributions to Political Action Committees. Amend RSA 275:48, 1 by inserting after subparagraph (d) the following new subparagraph:

(e) The employee requests in writing that deductions may be made for contributions to a political action committee from the employee's wages.

AMENDED ANALYSIS

This bill allows an employee to have contributions to a political action committee deducted from his or her wages.

HB 561, relative to reasonable accommodation by employers under the state law against discrimination. **OUGHT TO PASS**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: The committee views this bill as straightforward and aligned with the federal statutes regarding employment discrimination and reasonable accommodation. Vote 15-0.

HB 618-FN-L, relative to persons acting as volunteers to a state agency. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Giuda for Labor, Industrial and Rehabilitative Services: This bill brings volunteers under protection of the state's workers' compensation coverage, when those volunteers are designated by name in writing by the commissioners of health and human services or safety, after either has declared an incident (not a declared state of emergency by the governor) and notified the governor. Volunteers will only be specialists not currently in the employ of the state of New Hampshire, and will serve until the authorization and need for their services lapses. Vote 15-0.

Amendment (0524h)

Amend RSA 281-A:2, VII(a)(6) as inserted by section 1 of the bill by replacing it with the following:

(6) In the absence of any mutual aid agreement or other similar written agreement that specifically addresses the issue of workers' compensation benefits, any person who acts as an agent to the department of health and human services or the department of safety by providing assistance in response to a specific public health or public safety incident. Such person shall be deemed an employee of the state for the purposes of this chapter. In order to be eligible for workers' compensation benefits under this chapter the person shall have been specifically designated in writing as an agent by the commissioner of the department of health and human services or the commissioner of the department of safety, or their respective designees, in accordance with the provisions of RSA 508:17-a. This subparagraph applies only to such designated agents who are not receiving compensation from either the department of health and human services or the department of safety, other than possible reimbursement for expenses actually incurred for such services, such as travel expenses, but who may be receiving compensation from his or her regular employer or from any other source.

Amend the bill by replacing section 3 with the following:

3 New Section; Agents Assisting the Departments of Health and Human Services and Safety; Liability Limited. Amend RSA 508 by inserting after section 17 the following new section: 508:17-a Agents Assisting Certain State Departments; Liability Limited.

I. Any person who acts as an agent to the department of health and human services or the department of safety by providing assistance in response to a specific public health or public safety incident shall be protected from claims and civil actions arising from acts committed within the scope of his or her official duty as an agent to such departments to the same extent as state officers, trustees, officials, employees, and members of the general court under RSA 99-D, provided that:

(a) The commissioner of the department of health and human services or the commissioner of the department of safety has declared in writing to the governor that a public health or public safety incident exists;

(b) The department of health and human services or the department of safety has designated the person to act as its agent to assist in responding to the public health or public safety incident;

(c) The agent was acting in good faith and within the scope of his or her official functions and duties as an agent to the department of health and human services or the department of safety; and

(d) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the agent.

II. In this section:

(a) "Agent" means any person who acts as an agent to the department of health and human services or the department of safety by providing assistance in response to a specific public health or public safety incident and the person does not receive compensation from either department, other than possible reimbursement for expenses actually incurred for such services, but who may be receiving compensation from his or her employer or from any other source.

(b) "Damage or injury" includes physical, nonphysical, economic and noneconomic damage, and property damage.

(c) "Public health or public safety incident" means a specific incident that the commissioner of the department of health and human services or the commissioner of the department of safety has declared in writing poses a threat to the health and safety of the public and demands a response that will require the assistance of agents from outside the state system, but which does not rise to the level that would necessitate the declaration of a state of emergency by the governor under RSA 4:45.

III. Notwithstanding any other provision of law, no person shall be considered an agent of the department of health and human services or the department of safety for the purposes of this section unless the commissioner of one of those 2 departments has declared in writing to the governor that a public health or public safety incident exists and the appropriate department acknowledges in writing the person's status as an agent. Such written acknowledgment shall identify the person, indicate the department of the state for which the person will be acting as an agent, indicate the duration for which the person will be acting as an agent, indicate the functions that the person will be performing for the appropriate department, and specifically indicate that the provisions of this section apply to the person's status as an agent to the appropriate department.

IV. Any licensed health care provider who acts as an agent to the department of health and human services by providing health care or services in response to a public health incident shall work under the oversight of a department physician.

V. No disciplinary action shall be taken by a licensing board against a licensed health care provider who acted as an agent or a volunteer to the department of health and human services or the department of safety. This paragraph shall apply only to a health care provider who was designated by either the department of health and human services or the department of safety to act as an agent in accordance with paragraph III and who acted in good faith within the scope of his or her official functions and duties as an agent, and who did not engage in willful, wanton, or grossly negligent conduct in the course of carrying out his or her official functions and duties.

AMENDED ANALYSIS

This bill provides workers' compensation coverage to persons acting as volunteers for the department of health and human services and the department of safety in the event of a public health or a public safety incident. This bill also limits liability for such volunteers.

This bill is a request of the department of health and human services.

CACR 5, relating to the size of the house of representatives and compensation of the legislature. Providing that the number of representatives be reduced to 100 and that compensation shall be an average daily wage of the citizens of the state. **INEXPEDIENT TO LEGISLATE**

Rep. Betsy McKinney for Legislative Administration: This CACR proposed reducing the size of the House and paying legislators "an average daily wage." The committee is retaining CACR 11 for further study as it seemed to have a more practical approach. Vote 9-1.

CACR 18, relating to compensation for members of the general court. Providing that members of the general court shall receive \$4,000 per biennium. **INEXPEDIENT TO LEGISLATE**

Rep. Betsy McKinney for Legislative Administration: We had four bills dealing with legislative compensation this year. In deference to the many concerns, the committee has retained CACR 11 to look at all these proposals in depth. Vote 12-0.

HCR 2, declaring October 27 to be Boston Red Sox Day. **OUGHT TO PASS**

Rep. Michael S. Rollo for Legislative Administration: This bill honors the tremendous comeback of the Boston Red Sox to beat the New York Yankees for the American League Pennant, and for beating the St. Louis Cardinals in the World Series. After waiting 86 years, the General Court of New Hampshire wants to extend its appreciation and wish them continued success in the upcoming season. Vote 10-2.

SJR 1, declaring the month of April 2005 to be Boston Red Sox Month. **OUGHT TO PASS**
Rep. Carlos E. Gonzalez for Legislative Administration: In the spirit of reciprocity with the Senate, we in New Hampshire want to honor the Red Sox for years of pleasure and the delight we all share with their World Series Championship at last! Vote 9-2.

HB 34, relative to certain land sales in towns with planning boards. **INEXPEDIENT TO LEGISLATE**

Rep. Harry S. Gale for Municipal and County Government: In 1970, the Land Sales Full Disclosure Act was created to protect consumers under RSA 356-A under the Consumer Protection and Antitrust Bureau of the Attorney General's office by proving that the developer is financially capable of completing the promised improvement. This bill proposed to exempt all subdivisions in a municipality that had a planning board. However, the committee still had concerns that the removal of the oversight of the AG's office would add a burden and liability on the municipalities that does not now exist. In light of possible unintended consequences and added expenditure at the local level, the committee recommended that the bill be Inexpedient to Legislate. Vote 18-0.

HB 287, ratifying the purchase of a certain property by the town of Canaan. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill is a result of a purchase of land in the town of Canaan to give road access to the town landfill. The Board of Selectmen bought the parcel of land in August of 2004 for \$3200 without authorization from the legislative body. The town administrator told the committee that the Selectmen chose not to put a warrant article on the ballot for this year. The committee felt that if we ratified this purchase without having any technicality, other than a decision not to put the question on the ballot, it would be setting a horrible precedent. The committee unanimously voted to recommend Inexpedient to Legislate. Vote 14-0.

HB 311-L, enabling towns to establish revolving funds for certain purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter B. Schmidt for Municipal and County Government: This bill enables towns to establish revolving funds for recycling, ambulance service, or safety services. Such activities are difficult to anticipate up to one year in advance. The committee heard compelling testimony that a revolving fund permits a much more rational and effective method of handling certain specific revenues and expenditures, while maintaining oversight, control and approval by the legislative body. Vote 16-0.

Amendment (0634h)

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Revolving Funds. Amend RSA 31 by inserting after section 95-g the following new section:

31:95-h Revolving Funds.

I. A town may, by vote of the legislative body, establish a revolving fund. Each revolving fund shall be limited to one of the following purposes:

- (a) Facilitating or encouraging recycling as defined in RSA 149-M:4;
- (b) Providing ambulance services; or

(c) Providing public safety services by municipal employees or volunteers outside of the ordinary detail of such persons, including but not limited to public safety services in connection with special events, highway construction, and other construction projects.

II. If a town establishes a revolving fund for any of the purposes listed in paragraph 1, it may deposit into the fund all or any part of the revenues from fees, charges, or other income derived from the activities or services supported by the fund, and any other revenues approved by the legislative body for deposit into the fund. The money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town's general surplus. The town treasurer shall have custody of all moneys in the fund, and shall pay out the same only upon order of the governing body, or other board or body designated by the local legislative body at the time the fund is created; provided, that no further approval of the legislative body, if different from the governing body, shall be required. Such funds may be expended only for the purposes for which the fund was created.

III. The legislative body may, at the time it establishes a revolving fund or at any time thereafter, place limitations on expenditures from the fund including, but not limited to, restrictions on the types of items or services that may be purchased from the fund, limitations on the amount of

any single expenditure, and limitations on the total amount of expenditures to be made in a year. No amount may be expended from a revolving fund established hereunder for any item or service for which an appropriation has been specifically rejected by the legislative body during the same year.

IV. The provisions of this section shall not preclude the establishment of a revolving fund for any other purpose authorized by law.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 336, relative to the use of secret ballots at town meetings. **INEXPEDIENT TO LEGISLATE**
Rep. Stephen G. Prichard for Municipal and County Government: This bill would establish a new procedure for the use of secret ballots on questions seeking the appropriation of \$100,000 or more at town meetings. The sponsors asked the committee to find the bill 'Inexpedient to Legislate' so they can rework it and present it at a later time. Vote 17-0

HB 359, relative to hardship variances. **OUGHT TO PASS WITH AMENDMENT**
Rep. Eric G. Stohl for Municipal and County Government: The purpose of this bill is to reverse some recent decisions of the New Hampshire Supreme Court that have created unnecessary complexity in the law of zoning variances, and have made zoning area requirements all but impossible to enforce. The court created a brand new test for "unnecessary hardship" in the case of area variances different than is the case for use variances. In order to grant a variance using the "unnecessary hardship" criteria has to be based on the unique and particular characteristics of the property, the board has to find the property cannot be reasonably used in strict conformity with the ordinance, and a variance is thus necessary in order to establish a reasonable and economically viable use of the property, or there is no fair and substantial relationship exists between the general public purposes of the ordinance provision involved and the specific application of that provision to the particular property, and the proposed use is otherwise a reasonable one. This meaning of "unnecessary hardship" shall apply to both use variances and area variances. The committee agrees that it is necessary to have the legislature make land use policy instead of the courts. Vote 17-0.

Amendment (0735h)

Amend the title of the bill by replacing it with the following:

AN ACT defining "unnecessary hardship" for purposes of zoning variances.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Powers of Zoning Board of Adjustment; Variance; Unnecessary Hardship. Amend RSA 674:33, I by inserting after subparagraph (b) the following new subparagraph:

(c)(1) For purposes of this subparagraph "unnecessary hardship" shall mean that because of the unique and particular characteristics of a property, its setting, and environment, the board finds that:

(A) The property cannot be reasonably used in strict conformance with the ordinance and a variance is necessary to enable a reasonable and economically viable use of it; or

(B) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of the provision to the property and the proposed use is a reasonable one.

(C) The variance will not injure the public or private rights of others.

(2) "Unnecessary hardship" as defined in subparagraph (c)(1) shall apply to both use variances and area variances.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill defines an unnecessary hardship for a zoning variance as an application of the ordinance that denies the landowner a reasonable and economically viable use of a property or one that has no fair and substantial relationship between the public purposes of the ordinance and its application to the property. This bill also provides that a variance shall not injure the rights of others.

HB 360, relative to the amendability of warrant articles requesting appropriations in official ballot towns. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill restricts the amount of the appropriation in an amended official ballot warrant article from deviating more than 10% from the original warrant article amount. The committee felt that this limits the voters at the deliberative session to amend appropriation warrant articles when it is necessary to do so for good reasons. Vote 15-0.

HB 369, relative to notice requirements for public hearings on zoning amendments. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: What this bill seeks to do is require planning boards to notify the owners of all parcels and all abutting parcels affected by proposed zoning change before holding a hearing on the change. The sponsor's reason for the bill was because in charter towns, citizens cannot vote on zoning changes. RSA 672:2 and RSA 675:3 allow the citizens of cities and towns not operating under a charter form of government to be able to vote on the establishment or amendment of a zoning ordinance. The committee feels that charter towns can change their charter to mirror either of these laws if they wish to. The committee further feels that there are unfunded mandated issues in reference to the costs incurred by the municipalities in the research of all parcel owners that the zoning change may affect as well the cost involved in the mailing of the notices. Vote 14-1.

HB 394, relative to real estate tax lien procedures for tax collectors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: This bill attempts to do two things. First of all, it addresses a difference in language between two laws that apply to tax liens. It changes the language in RSA 80:64 to mirror the language that is in RSA 80:60. This change was a recommendation of the New Hampshire Tax Collectors Association. The committee feels this change would assist the tax collector in performing their job more effectively. The second thing this bill wishes to do is extend the timeframe in which the tax collector has to notify the register of deeds. The amendment removes the extended time frame because the committee felt that an additional delay in this notification may delay any actions that the owner may have for the property in question, such as jeopardizing the possible sale. Vote 12-1.

Amendment (0858h)

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill requires tax collectors to report the names of current owners of property subject to a tax lien.

HB 412, relative to the authority of zoning boards of adjustment to grant variances. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Buhlman for Municipal and County Government: There have been recent Supreme Court decisions that have dramatically changed the way the local zoning boards look at way they grant variances to the zoning ordinances. This bill proposed one solution by clarifying the "unnecessary hardship" finding that the board must find to grant a variance. The committee also heard HB 359 which discussed the same issue. Both bills addressed clarification to the unnecessary hardship finding but the committee agreed that the solution in HB 359 was the best way to address the courts' changing of the variance procedure. Vote 16-0.

HB 429, relative to representation by nonattorneys before the board of tax and land appeals. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Buhlman for Municipal and County Government: As introduced, HB 429 was to allow nonattorneys to represent taxpayers who have utilized tax-related appeals before the Board of Tax and Land Appeal (BTLA). Nonattorneys are now allowed to represent taxpayers before the BTLA in land tax disputes. The chairman of the BTLA supported this change, and the committee agreed unanimously. The amendment clarifies the legislative intent regarding the filing of a declaration of taking so that if the board determines that a more specific declaration of taking is required there is adequate authority for the BTLA to request more information. This recommendation originated at the suggestion of the Attorney General's office, and the committee agreed that reinforcing this authority in legislation was beneficial. Vote 15-0.

Amendment (0510h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to representation by nonattorneys before the board of tax and land appeals and relative to condemnation proceedings conducted by the board of tax and land appeals.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Condemnation; Passage of Title; Declaration of Taking. Amend RSA 498-A:5, I-II to read as follows:

I. Condemnation, under the power of condemnation given by law to a condemnor, which shall not be enlarged or diminished hereby, shall be effected only by the filing in the board of a declaration of taking, with sufficient copies for giving notice as required by RSA 498-A:8[~~together with such~~]. *The declaration shall be considered filed after receipt by the board and review by the board for compliance with paragraph II. If the board finds the declaration of taking is not compliant with paragraph II, the board may direct the filing of a more specific declaration of taking. After the giving of any bond and security as may be required under RSA 498-A:6, [and thereupon]* the title which the condemnor seeks in the property condemned shall pass to the condemnor on the date of such filing, and the condemnor shall be entitled to possession as provided in RSA 498-A:11. A declaration may include more than one parcel and multiple condemnees so long as the identity of the property taken of each condemnee [is] *and the nature of their interests* are readily ascertainable.

II. The declaration of taking shall be in writing and executed by the condemnor, shall be captioned as a proceeding in rem and shall contain the following:

(a) The name and address of the condemnor;

(b) *The name and address of each condemnee and the nature of each condemnee's interest;*

[~~(b)~~] (c) A specific reference to the statute, chapter and section thereof, under which the condemnation is authorized;

[~~(c)~~] (d) A specific reference to the action, whether by ordinance, resolution or otherwise, by which the declaration of taking was authorized, including the date when such action was taken, and the place where the record thereof may be examined;

[~~(d)~~] (e) A brief description of the purpose of the condemnation and the need therefor;

[~~(e)~~] (f) A description and plan of the property taken sufficient for the identification thereof, specifying the town, city and county wherein the property taken is located; and

[~~(f)~~] (g) A statement of the nature of the property being taken.

3 Board Action. Amend RSA 498-A:24 to read as follows:

498-A:24 Board Action. Upon receipt of the filing of a declaration of taking, *and after any preliminary objections under RSA 498-A:9-a have been concluded*, the board shall forthwith fix a time for hearing the parties on the issue of just compensation, and shall give notice thereof to all persons named in the declaration of taking as condemnor and as condemnee, and otherwise as justice may require. Such service shall be made in the manner prescribed in RSA 498-A:4, and shall be given at least 30 days prior to the date set for the hearing. The board may, after notice to all parties, upon its own motion or motion of any party, make such order for consolidation of any of the cases pending before it as justice and convenience requires.

AMENDED ANALYSIS

This bill permits nonattorneys to represent taxpayers in utility property tax appeals before the board of tax and land appeals.

The bill also clarifies requirements for certain condemnation proceedings conducted by the board of tax and land appeals.

HB 436, relative to the appointment of representatives to the regional planning commissions. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill would permit the appointment of municipal employees to regional planning commissions. Currently, only residents of a community can become a commissioner. The resident can be an elected or an appointed person, but not an employee. The majority of the committee felt that an employee's position and potential relationship to his or her employer may be jeopardized by passing this bill. Vote 15-1.

HB 437, relative to the disposition of municipal records. **OUGHT TO PASS WITH AMENDMENT**
Rep. Harry S. Gale for Municipal and County Government: The Municipal Records Board (MRB) was created in 1977 to establish standards for determining what municipal records should be retained or destroyed. The established standards provided a retention time frame for those retained records. This bill also sets up a time frame for records that are created in an electronic format. In

doing so it requires any electronically-created record to be transferred to paper, microfilm, or both if it is to be retained for more than ten years. The retention schedule was then published as administrative rules in 1981, 1984 and 1995. Due to the fact that the responsibility for these municipal records is being transferred to the office of the Secretary of State, there was a need to remove them from administrative rules and place them into statute. The reason for this is that the Secretary of State does not function under administrative rules. The committee voted unanimously to support the concept and work of the ad hoc committee. Vote 16-0.

Amendment (0372h)

Amend the bill by replacing all after section 2 with the following:

3 New Section; Disposition and Retention Schedule. Amend RSA 33-A by inserting after section 3 the following new section:

33-A:3-a Disposition and Retention Schedule. The municipal records identified below shall be retained, at a minimum, as follows:

I. Abatements: 5 years.

II. Accounts receivable: until audited plus one year.

III. Aerial photographs: permanently.

IV. Airport inspections-annual: 3 years.

V. Airport inspections-daily, including fuel storage and vehicles: 6 months.

VI. Annual audit report: 10 years.

VII. Annual reports, town warrants, meeting and deliberative session minutes in towns that have adopted official ballot voting: permanently.

VIII. Archives: permanently.

IX. Articles of agreement or incorporation: permanently.

X. Bank deposit slips and statements: 6 years.

XI. Blueprints-architectural: life of building.

XII. Bonds and continuation certificates: expiration of bond plus 2 years.

XIII. Budget committee-drafts: until superseded.

XIV. Budgets: permanently.

XV. Building permits-applications and approvals: permanently.

XVI. Building permits-lapsed: permanently.

XVII. Building permits-withdrawn, or denied: one year.

XVIII. Capital projects and fixed assets that require accountability after completion: life of project or purchase.

XIX. Cash receipt and disbursement book: 6 years after last entry, or until audited.

XX. Checks: 6 years.

XXI. Code enforcement specifications: permanently.

XXII. Complaint log: expiration of appeal period.

XXIII. Contracts-completed awards, including request for purchase, bids, and awards: life of project or purchase.

XXIV. Contracts-unsuccessful bids: completion of project plus one year.

XXV. Correspondence by and to municipality-administrative records: minimum of one year.

XXVI. Correspondence by and to municipality-policy and program records: follow retention requirement for the record to which it refers.

XXVII. Correspondence by and to municipality-transitory: retain as needed for reference.

XXVIII. Current use applications and maps: until removed from current use plus 3 years.

XXIX. Current use card: until removed from current use plus 3 years.

XXX. Deed grantee/grantor listing from registry, or copies of deeds: discard after being updated and replaced with a new document.

XXXI. Deferred compensation plans: 7 years.

XXXII. Dig safe forms: 4 years.

XXXIII. Dredge and fill permits: 4 years.

XXXIV. Driveway permits and plans: permanently.

XXXV. Easements awarded to municipality: permanently.

XXXVI. Elections-federal elections ballots: 22 months after election.

XXXVII. Elections-not federal, all other ballots: 60 days after election.

XXXVIII. Elections-challenge affidavits: one year after election.

- XXXIX. Elections-ward maps: until revised plus 1 year.
 - XL. Emergency medical services run reports: 10 years.
 - XLI. Equipment maintenance: life of equipment.
 - XLII. Excavation tax warrant and book or list: permanently.
 - XLIII. Federal form 1099s and W-2s: 7 years.
 - XLIV. Federal form 941: 7 years.
 - XLV. Federal form W-1: 4 years.
 - XLVI. Fire calls/incident reports: 10 years.
 - XLVII. Grants, supporting documentation: follow grantor's requirements.
 - XLVIII. Grievances: expiration of appeal period.
 - XLIX. Health-complaints: expiration of appeal period.
 - L. Health-inspections: 3 years.
 - LI. Health-service agreements with state agencies: term plus 7 years.
 - LII. Health and human services case records: active plus 7 years.
 - LIII. Inspections-bridges and dams: permanently.
 - LIV. Insurance policies: permanently.
 - LV. Intent to cut trees or bushes: 3 years.
 - LVI. Intergovernmental agreements: end of agreement plus 3 years.
 - LVII. Investigations-fire: permanently.
 - LVIII. Invoice, assessors: permanently.
 - LIX. Invoices and bills: until audited plus one year.
 - LX. Job applications-successful: retirement or termination plus 50 years.
 - LXI. Job applications-unsuccessful: current year plus 3 years.
 - LXII. Labor-public employees labor relations board actions and decisions: permanently.
 - LXIII. Labor union negotiations: permanently or until contract is replaced with a new contract.
 - LXIV. Ledger and journal entry records: until audited plus one year.
 - LXV. Legal actions against the municipality: permanently.
 - LXVI. Library:
 - (a) Registration cards: current year plus one year.
 - (b) User records: not retained; confidential pursuant to RSA 201-D:11.
 - LXVII. Licenses-all other except dog, marriage, health, and vital records: duration plus 1 year.
 - LXVIII. Licenses-dog: current year plus one year.
 - LXIX. Licenses-dog, rabies certificates: disposal once recorded.
 - LXX. Licenses-health: current year plus 6 years.
 - LXXI. Liens-federal liens upon personal property, other than IRS liens: permanently.
 - LXXII. Liens-hospital liens: 6 years.
 - LXXIII. Liens-IRS liens: one year after discharge.
 - LXXIV. Liens-tax liens, state liens for support of children: until court order is lifted plus one year.
 - LXXV. Liens-tax liens, state meals and rooms tax: until release plus one year.
 - LXXVI. Liens-tax sale and record of lien: permanently.
 - LXXVII. Liens-tax sales/liens redeemed report: permanently.
 - LXXVIII. Liens-Uniform Commercial Code leases: lease term plus 4 years; purge all July 1, 2007.
 - LXXIX. Liens-Uniform Commercial Code security agreements: 6 years; purge all July 1, 2007.
 - LXXX. Meeting minutes, tape recordings: keep until written record is approved at meeting.
- As soon as minutes are approved, either reuse the tape or dispose of the tape.
- LXXXI. Minutes of boards and committees: permanently.
 - LXXXII. Minutes of town meeting/council: permanently.
 - LXXXIII. Minutes, selectmen's: permanently.
 - LXXXIV. Motor vehicle-application for title: until audited plus one year.
 - LXXXV. Motor vehicle-titles and voided titles: sent to state division of motor vehicles.
 - LXXXVI. Motor vehicle permits-void and unused: until audited plus one year.
 - LXXXVII. Motor vehicle permits and registrations-used: current year plus 3 years.
 - LXXXVIII. Municipal agent daily log: until audited plus one year.
 - LXXXIX. Notes, bonds, and municipal bond coupons-cancelled: until paid and audited plus one year.
 - XC. Notes, bonds and municipal bond coupon register: permanently.
 - XCI. Oaths of office: term of office plus 3 years.

- XCII. Ordinances: permanently.
- XCIII. Payrolls: until audited plus one year.
- XCIV. Perambulations of town lines-copy kept by town and copy sent to secretary of state: permanently.
- XCV. Permits or licenses, pole: permanently.
- XCVI. Personnel files: retirement or termination plus 50 years.
- XCVII. Police, accident files-fatalities: 10 years.
- XCVIII. Police, accident files-hit and run: statute of limitations plus 5 years.
- XCIX. Police, accident files-injury: 6 years.
- C. Police, accident files-involving arrests: 6 years.
- CI. Police, accident files-involving municipality: 6 years.
- CII. Police, accident files-property damage: 6 years.
- CIII. Police, arrest reports: permanently.
- CIV. Police, calls for service/general service reports: 5 years.
- CV. Police, criminal-closed cases: statute of limitations plus 5 years.
- CVI. Police, criminal-open cases: statute of limitations plus 5 years.
- CVII. Police, motor vehicle violation paperwork: 3 years.
- CVIII. Police, non-criminal-internal affairs investigations: as required by attorney general and union contract and town personnel rules.
- CIX. Police, non-criminal-all other files: closure plus 3 years.
- CX. Police, pistol permit applications: expiration of permit plus one year.
- CXI. Property inventory: 5 years.
- CXII. Property record card: permanently.
- CXIII. Property record map, assessors: until superceded.
- CXIV. Property tax exemption applications: transfer of property plus one year.
- CXV. Records management forms for transfer of records to storage: permanently.
- CXVI. Road and bridge construction and reconstruction, including highway complaint slips: 6 years.
- CXVII. Road layouts and discontinuances: permanently.
- CXVIII. Scenic roads: permanently.
- CXIX. School records: retained as provided under RSA 189:29-a.
- CXX. Septic plan approvals and plans: until replaced or removed.
- CXXI. Sewer system filtration study: permanently.
- CXXII. Sign inventory: 7 years.
- CXXIII. Site plan review: life of improvement plus 3 years.
- CXXIV. Site plan review-lapsed: until notified that planning board action and appeal time has expired plus one year.
- CXXV. Site plan review-withdrawn or not approved: appeal period plus one year.
- CXXVI. Special assessment (betterment of property): 20 years.
- CXXVII. Street acceptances: permanently.
- CXXVIII. Street signs, street lights and traffic lights-maintenance records: 10 years.
- CXXIX. Subdivision applications-lapsed: until notified that planning board action and appeal period has expired plus one year.
- CXXX. Subdivision applications-successful and final plan: permanently.
- CXXXI. Subdivision applications-withdrawn, or not approved: expiration of appeal period plus one year.
- CXXXII. Subdivision applications-working drafts prior to approval: expiration of appeal period.
- CXXXIII. Summary inventory of valuation of property: one year.
- CXXXIV. Tax maps: permanently.
- CXXXV. Tax receipts paid, including taxes on land use change, property, resident, sewer, special assessment, and yield tax on timber: 6 years.
- CXXXVI. Tax-deeded property file (including registered or certified receipts for notifying owners and mortgagees of intent to deed property): permanently.
- CXXXVII. Time cards: 4 years.
- CXXXVIII. Trust fund minutes, quarterly reports, and bank statements: permanently.
- CXXXIX. Vehicle maintenance records: life of vehicle plus 2 years.
- CXL. Voter checklist-marked copy kept by town pursuant to RSA 659:102: 5 years.

CXLI. Voter registration:

(a) Purged record cards: 5 years.

(b) Same day, returned to undeclared status: 5 years.

CXLII. Vouchers and treasurers receipts: until audited plus one year.

CXLIII. Warrants-land use change, and book or list: permanently.

CXLIV. Warrants-property tax, and lists: permanently.

CXLV. Warrants-resident tax, and book or list: permanently.

CXLVI. Warrants-town meeting: permanently.

CXLVII. Warrants-treasurer: until audited plus one year.

CXLVIII. Warrants-utility and betterment tax: permanently.

CXLIX. Warrants-yield tax, and book or list: permanently.

CL. Welfare department vouchers: 4 years.

CLl. Work program files: current year plus 6 years.

CLII. Writs: expiration of appeal period plus one year.

CLIII. Zoning board of adjustment applications, decisions, and permits-unsuccessful: expiration of appeal period.

4 Powers and Duties of Municipal Records Board; Reference to Rulemaking Deleted. Amend RSA 33-A:4-b to read as follows:

33-A:4-b Powers and Duties of Board. The board shall ~~[by rule establish]~~ *advise the secretary of state on standards[;] and procedures[; and regulations]* for the effective and efficient management of municipal records. Such standards[;] ~~and procedures[; and regulations]~~ shall govern the retention, preservation and disposition of municipal records. ~~[The statutory standards for retention, preservation and disposition of municipal records in effect at the time of passage of this section shall remain effective until superseded by rules promulgated by the board.]~~ The board shall oversee the local government records management improvement program as provided in RSA 5:47-5:51.

5 New Section; Disposition of Municipal Records; Electronic Records. Amend RSA 33-A by inserting after section 5 the following new section:

33-A:5-a Electronic Records. Records created in electronic format and designated on the disposition schedule under RSA 33-A:3-a to be retained for more than 10 years shall be transferred to paper, microfilm, or both. Electronically-created records designated on the disposition schedule to be retained for less than 10 years may be retained solely electronically if so approved by the record committee of the municipality responsible for the records. The municipality is responsible for assuring the accessibility of the records for the mandated period.

6 Effective Date. This act shall take effect 60 days after its passage.

HB 480, relative to innovative land use controls. OUGHT TO PASS WITH AMENDMENT

Rep. Laurie J. Boyce for Municipal and County Government: The Village Plan Alternative was added to the innovative land use controls in 2002 which allowed a town to adopt this land use procedure under its zoning powers. The bill adds clarity to RSA 674:21, V by removing the requirement for an expedited process, making section (c) paragraph easier to understand by splitting it into sections and adding that the setbacks to new construction within a village plan alternative may be increased by up to two times the distance required by the current regulations. The Village Plan Alternative has to be adopted by the local legislative body which makes this innovative land use control enabling. Vote 16-0.

Amendment (0585h)

Amend RSA 674:21, VI(e) as inserted by section 2 of the bill by replacing it with the following:

(e) The approving authority may increase, at existing property lines, the setback to new construction within a village plan alternative subdivision by up to 2 times the distance required by current zoning or subdivision regulations, subject to the provisions of subparagraph (c).

HB 534, relative to requirements of property appraisal companies. INEXPEDIENT TO LEGISLATE

Rep. Laurie J. Boyce for Municipal and County Government: There is great anxiety about the process of making appraisals in the State of New Hampshire. This bill would require any person, firm or corporation, which includes any municipal assessor, to do three things: implement procedures to answer questions and complaints; make marketing information available about setting values; and send a draft copy to each taxpayer of the property record card prior to adoption by the governing body. The committee realizes that two of these issues are al-

ready possible at the local level by including them in the contract, if an outside firm is used, or by having the governing body implement the procedures. The last requirement of sending out draft copies is viewed by the committee as an unfunded mandate Vote 16-0.

HB 548, allowing municipalities to include in property tax inventory the value of new construction assessed as of July 1. **INEXPEDIENT TO LEGISLATE**

Rep. Eric G. Stohl for Municipal and County Government: This bill would allow municipalities to include in the property tax inventory the values of any new construction that is completed as of July 1 of any year. Present law states that April 1st will be the date that property values are determined and assessed. Due to the fact that most construction in New Hampshire occurs from April to November, the sponsor testified that maybe if the state set values July 1st rather than April 1st municipalities would gain more taxable property. The committee received further testimony that first of all, this "earlier" tax money would only be a benefit for the first year and developers could circumvent the system by simply waiting until after July 1st in those municipalities that wish to enact this proposed legislation. The committee further feels the changing of numerous statutes from April 1st to July 1st would not be worth the limited additional funding that some municipalities may receive. Vote 15-1.

HB 549, modifying notice requirements for the acceptance of unanticipated funds by a school district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Prichard for Municipal and County Government: This bill establishes provisions for the acceptance of unanticipated funds in school districts, cities and towns. The amendment simply adds libraries to the list of those who can receive gifts under \$5,000 without having to put an official notice in the local newspaper for a public hearing. While notification and public hearings will still be needed to allow residents to know about and speak to the nature and use of gifts this notification can now be done by listing 'gift hearings' on posted agendas at town meetings and designated public sites around town. Some cities and municipalities receive hundreds of small gifts and donations each year ranging from \$20 to several hundred dollars. To pay \$100 to a local newspaper to announce a public hearing on a \$50 gift seems unreasonable. Gifts over \$5000 will still have to have a newspaper announced public hearings. Vote 15-1.

Amendment (0671h)

Amend the title of the bill by replacing it with the following:

AN ACT modifying notice requirements for the acceptance of unanticipated funds by a school district, city, town, or public library.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Public Libraries; Trustees' Authority to Accept and Expend Gifts. Amend RSA 202-A:4-c, III to read as follows:

III. (a) *For unanticipated moneys in the amount of \$5,000 or more*, the public library trustees shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held.

(b) *For unanticipated moneys of less than \$5,000, the public library trustees shall post notice of the moneys in the public library trustees agenda, if any, and shall include notice in the minutes of the public library trustees meeting in which such moneys are discussed. The acceptance of unanticipated moneys under this subparagraph shall be made in public session of any regular public library trustees meeting.*

AMENDED ANALYSIS

This bill establishes provisions for the acceptance of unanticipated funds in school districts, cities, towns, or public libraries.

HB 569, allowing municipalities to adopt low and moderate income homeowner's property tax relief for local education property taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill allows municipalities to adopt low and moderate income homeowner's property tax relief for local education property taxes. The proposed program mirrors programs we currently have as a result of the state-wide education property tax. The committee recognized a number of problems, including that it shifts the tax burden and it is premature, given we still have a statewide education property tax. Vote 14-0.

HB 570, relative to site plan review and the definition of inclusionary zoning. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary R. Cooney for Municipal and County Government: This bill would enable municipalities to require applicants for the development or change of use for non-residential users or multi-family dwelling units to present a conceptual preliminary review to the planning board at a public hearing. Because there has been some confusion regarding the procedures when using the words "preliminary" and "preapplication" the committee agreed that "preliminary" is the more appropriate word to use when dealing with the local planning board's procedures on site plan review. The committee agreed that the board should be able to require review prior to accepting the submitted application. In order to be clear the amendment changed the word "preapplication" to "preliminary" in RSA 676:4 which deals with the planning board's procedure on subdivision. This would be advantageous to both the developer and the municipality in making sound judgment. Vote 16-0.

Amendment (0781h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to preliminary site plan review and the definition of inclusionary zoning.

Amend the bill by replacing section 3 with the following:

3 Board's Procedures on Plats.; Preliminary Review. Amend the introductory paragraph of RSA 676:4, II to read as follows:

II. A planning board may provide for [~~preapplication~~] *preliminary* review of applications and plats by specific regulations subject to the following:

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Board's Procedures on Plats; Preapplication Changed to Preliminary. Amend RSA 676:4, II(c) to read as follows:

(c) [~~Preapplication~~] *Preliminary* review shall be separate and apart from formal consideration under paragraph I, and the time limits for acting under subparagraph I(c) shall not apply until formal application is submitted under subparagraph I(b).

AMENDED ANALYSIS

This bill allows a planning board to require preliminary review of a site plan.

HB 572, granting regional water districts the power of eminent domain. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Prichard for Municipal and County Government: This bill would grant to a regional water district the right of eminent domain. While the committee was sympathetic to any water district's need to acquire good water for its residents, this bill is a "minefield of mischief." It would give enormous power to a water district, for good and for evil. The committee was most concerned about the possible misuse of this power. While it might make it easier for a water district to acquire land for wells and watersheds, it would also make it possible to take over a private well or even a local water company without much accountability. The municipalities in which water districts exist already have the power of eminent domain. And while it is more difficult for a water district to go through the municipal process of convincing the town leaders and residents through hearings, studies and finally votes to take the necessary property for the production of good water, that process does provide constraint on possible abuse and better assures that property owners rights and voters preferences will be respected. So the committee was primarily concerned about two matters: preserving local control and making sure that water districts were held accountable to the municipalities they serve. Vote 16-0.

HB 641-FN, establishing a statewide homestead exemption against property taxes for seniors. **INEXPEDIENT TO LEGISLATE**

Rep. Laurie J. Boyce for Municipal and County Government: This bill established a statewide homestead exemption for residential property of persons 65 years of age or older. It further states that the person seeking the exemption must own the property for at least 10 years. Municipalities may assist their citizens that are 65 years of age or older now without this legislation. This bill is not enabling; it mandates this exemption. This bill increases administrative costs for the municipalities therefore raising unfunded mandate issues. In addition, the bill would shift the tax burden to other taxpayers within the municipality. Vote 14-0.

HB 660-FN-L, relative to taxation in a cooperative school district. **INEXPEDIENT TO LEGISLATE**
Rep. Paul R. Hopfgarten for Municipal and County Government: This bill would dramatically change the way in which property taxes are collected in cooperative school districts. Student numbers attending from the various towns within a district would no longer be a consideration, and the equalized tax rate for each town would be identical, regardless of total assessed value or student population sent from a sending town. The committee believes that since all cooperative school districts established at the time of this bill had done so with the understanding of the conditions of each district, that passage of this legislation could place all currently established cooperative school districts in turmoil. Vote 12-1.

HB 666-FN-L, prohibiting taxation of a village district by a municipality for certain municipal services. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: A village district is created for specific purposes and is not always contained within one town. Examples of these purposes may be fire suppression, sewer and waste treatment plants or water supply. In municipalities that do not have village districts these services and many others are supported through property taxation equally. This bill would have prohibited a town or towns that have a village district within their region from taxing a village district for those types of municipal services. It would be difficult for a given municipality to determine the appropriate basis for discounting taxes payable by residents of a village district due to the discontinuance of services by that municipality. Depending on the purpose for which the village district is formed, there may not be a complete separation between services divided by the municipality and by the village district. Vote 14-0.

HB 709-FN-L, relative to records of assessment information available for inspection. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: This bill would require property assessment cards to include an explanation of the terms and annotations used and to identify changes in red with the date the change was made. Virtually all valuation cards are computer generated, and this requirement would require extensive re-programming to even make it possible to print changes in red. Further, the cards currently do not have space for such changes for each element, and would require re-drafting of the cards. All of this would mandate extra expenses to municipalities and therefore creates an unfunded mandate. Vote 14-1.

HB 428, relative to clarifying the authority of the Pease development authority and the division of ports and harbors. **OUGHT TO PASS**

Rep. James B. Rausch for Public Works and Highways: This legislation was requested to clarify multiple issues involving the authority of the Pease Development Authority (PDA). The bill defines state owned commercial pier, associated facilities, business use pier, recreational use pier, and further clarifies these terms. It clarifies references in RSA 12-G to piers, wharves and docks and to the foreign trade zone. It clarifies the scope of the existing exemption from the payment of slip fees. It clarifies the PDA authority to establish permit programs for vessels and for vehicle parking at state owned piers and associated facilities. Lastly, it gives the PDA authority to remove abandoned, or illegally parked vehicles. This legislation received unanimous support from the committee. Vote 16-0.

HB 658-FN-A, requiring the department of transportation to make certain improvements to New Hampshire Route 3 in the town of Tilton and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Graham for Public Works and Highways: This bill mandated that the Department of Transportation make highway improvements and add traffic lights in the town of Tilton. The committee does not support mandating highway projects outside of the ten year transportation planning process. To assist the citizens and officials in Tilton in trying to resolve the highway issues, the Department of Transportation will hold public informational sessions in the area. If the department finds that changes and improvements are warranted, they have the wherewithal in the budget to accomplish same. The issue with the traffic lights needs to be handled as part of the regular ten-year highway planning process. Vote 15-0.

HB 215-FN, relative to water management. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill, as amended, will strengthen the Department of Environmental Services authority to collect water use data from

users that withdraw, discharge or transfer more than 20,000 gallons of water a day on average. It provides explicit authority to require water use registration and reporting, specifies criteria for water use measurement and includes an enforcement component. This bill is unanimously supported by the ground water commission established in 2003. It is a modest and necessary first step in the effort to gain a better understanding of New Hampshire's water resources and how that resource is being used. Vote 17-1.

Amendment (0369h)

Amend RSA 488:2, VI-VIII as inserted by section 1 of the bill by replacing them with the following:

VI. "Surface waters" means any lake, pond, river, stream, wetland, or tidal waters.

VII. "Transfer" means any conveyance of water from one real property or place of business to another or incorporation into a product for subsequent distribution.

VIII. "Withdrawal" means the removal or collection of water by pumping or gravity from surface water or groundwater.

Amend RSA 488:3, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall withdraw or discharge a cumulative amount of more than 20,000 gallons of water per day, averaged over any 7-day period, or more than 600,000 gallons of water over any 30-day period, at a single real property or place of business without registering the withdrawal or discharge with the department. Transfers of such volume of water shall also be registered. Registration shall be in addition to any required permits.

Amend RSA 488:4 as inserted by section 1 of the bill by replacing it with the following:

488:4 Measurement Required. Each withdrawal, discharge, or transfer required to be registered under this chapter shall be metered or measured by a technically appropriate and verifiable method approved by the commissioner. Withdrawals and discharges shall be measured at the point of withdrawal or discharge, respectively. Transfers shall be measured at a technically appropriate point approved by the commissioner.

Amend RSA 488:8 as inserted by section 1 of the bill by replacing it with the following:

488:8 Administrative Fines.

I. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who knowingly:

- (a) Violates any provision of this chapter or any rule or order adopted or issued under it.
- (b) Makes any material false statement in any document required to be filed or maintained.
- (c) Renders inaccurate, falsifies, or tampers with any monitoring device or method.

II. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541.

III. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner may assess additional fines upon any person who has received written notification from the department regarding violations of the provisions of this chapter or rule adopted pursuant to this chapter, if the violations have not been mitigated within: 30 days of receipt of notification.

Amend RSA 488:9, I and II as inserted by section 1 of the bill by replacing them with the following:

I. The content and structure of all forms pertaining to registrations to be received or issued by the department, including information and other materials to be submitted with the registration.

II. The form, content, structure, and frequency of filing of the records required under this chapter. The commissioner shall balance resource management objectives with the economic impact of filings when determining the substance of this rule and shall also give consideration to proprietary and confidentiality concerns.

Amend RSA 488:9 as inserted by section 1 of the bill by inserting after paragraph III the following and renumbering the existing paragraphs IV and V to read as V and VI:

IV. Criteria to identify actions that constitute withdrawals, transfers, or discharges required to be registered pursuant to this chapter.

Amend RSA 488:10 as inserted by section 1 of the bill by replacing it with the following:

488:10 Appeals. Unless otherwise specified, actions of the department may be appealed in accordance with RSA 21-O:14.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section RSA 488:8 as inserted by section 1 of this act shall take effect January 1, 2007.

II. The remainder of this act shall take effect January 1, 2006.

HB 342, establishing a commission to study the barriers to the establishment of all-terrain vehicle trails. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christopher R. Irish for Resources, Recreation and Development: There are approximately 23,000 ATVs registered in the state with a 15% annual growth rate which bring in about \$318 million annually to the State. The committee understands the use of ATVs as a recreational activity is increasing rapidly on both public and private lands. There is a need to bring all interested parties into a discussion on the best ways to move forward with any plans to incorporate ATVs into an acceptable and manageable use of the state's public and private trails. Clearly, if the State continues to receive registration fees from ATVs, we are obliged to attempt to resolve conflicting interests and provide opportunity for ATV use throughout the State. For these reasons, the Resources Committee strongly supports the establishment of this commission to study the building of trails, enforcement of regulations and policies, and the means of addressing problems facing users, abutters and municipalities. Vote 18-1.

Amendment (0416h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the barriers to the establishment of all-terrain vehicle trails on public and private lands.

Amend section 2 of the bill by inserting after subparagraph I(j) the following new subparagraph:

(k) One representative of New Hampshire landowners, appointed by mutual agreement of the New Hampshire Farm Bureau Federation and the New Hampshire Timberland Owners Association.

Amend paragraph V of section 3 of the bill by replacing it with the following:

V. Adequacy and enforcement of ATV regulations and policies, and means of addressing environmental impact and the problems of users, abutters, and municipalities.

AMENDED ANALYSIS

This bill establishes a commission to study the barriers to the establishment of all-terrain vehicle trails on public and private lands.

HB 343, establishing a commission to study accessibility for New Hampshire citizens to the water bodies in the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marcia G. Moody for Resources, Recreation and Development: The commission shall study current access for public use of water bodies including, but not limited to, the need for different types of non-motorized recreational opportunities, the geographical distribution of such opportunities, approaches for determining the optimal recreational use of a particular water body including environmental concerns, available funding for creation of access, and the adequacy of recreational opportunities for citizens of all income levels. The amendment provides two additional members to the commission who shall be the commissioner of the department of environmental services, or designee, and the director of the office of energy and planning, or designee. Vote 18-0.

Amendment (0837h)

Amend the bill by replacing sections 2 and 3 with the following:

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) A representative from the New Hampshire Lakes Association, nominated by the association and appointed by the governor.

(d) A representative from the New Hampshire Rivers Council, nominated by the council and appointed by the governor.

(e) The director of the fish and game department, or designee.

(f) A representative from the public water access advisory board, nominated by the chairperson and appointed by the governor.

(g) A representative from a conservation organization, appointed by the governor.

(h) A representative from the Appalachian Mountain Club, nominated by the club president and appointed by the governor.

- (i) The commissioner of the department of resources and economic development, or designee.
- (j) The commissioner of the department of environmental services, or designee.
- (k) The director of the office of energy and planning, or designee.

3 Duties. The commission shall study current access for non-motorized public use of water bodies including, but not limited to, the need for different types of non-motorized recreational opportunities, the geographical distribution of such opportunities, approaches for determining the optimal recreational use of a particular water body including environmental concerns, available funding for creation of access, and the adequacy of recreational opportunities for citizens of all income levels.

HB 355, establishing a committee to study the environmental impact and damage mitigation of ATV use on public and private trails. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher R. Irish for Resources, Recreation and Development: HB 555 is similar in purpose to HB 342. The committee incorporated the main intent of HB 355 "to study the environmental impact on public and private trails" into the amendment of HB 342. The only issue left to be addressed by this bill is the possible acquisition of land in Berlin for a possible multi-use State park which would include ATV access. The project is in its very early stages and no master plan has been developed to date. The committee suggests that it is best to let the process take its course. The committee heard testimony that there are statutory requirements that any plan to move forward with such a park will have to go through a very public process including public hearings. Therefore, no legislative action is necessary at this time. Vote 18-0.

HB 487-FN, establishing a volunteer lake assessment program in the department of environmental services. **OUGHT TO PASS WITH AMENDMENT**

Rep. David P. Currier for Resources, Recreation and Development: The New Hampshire Volunteer Lake Assessment Program (VLAP) was initiated in 1985 in response to an expressed desire of lake associations to be involved in lake protection and watershed management. Today approximately 500 volunteers from 154 lakes and ponds located throughout the state participate in VLAP. 2005 marks the 20th anniversary of this popular program. VLAP volunteer monitors play an integral role in protecting the quality of New Hampshire's lakes and ponds. HB 487-FN codifies this cooperative program's effort between volunteer monitors and the Department of Environmental Service into state law. The amendment establishes the position of Volunteer Lake Assessment Program Coordinator within the Department of Environmental Services. Vote 19-0.

Amendment (0451h)

Amend RSA 487:32 as inserted by section I of the bill by replacing it with the following:

487:32 Volunteer Lake Assessment Program Coordinator. There is established in the office of the commissioner, department of environmental services, a state volunteer lake assessment program coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the New Hampshire volunteer lake assessment program.

487:33 Acceptance and Expenditure of Funds.

I. The commissioner may apply for and accept gifts, donations of money, federal, municipal, or private grants, or other funds or incentives from any source for the purposes of this subdivision. The funds accepted under this paragraph shall be paid into the lake restoration and preservation fund established under RSA 487:25. All funds received shall be continually appropriated to the department for the purposes of this subdivision.

II. The commissioner may expend any funds received under paragraph I for the purposes of this subdivision.

Amend the bill by replacing section 3 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

HB 491, relative to the inherent dangers of OHRV operation and limiting landowner liability for certain fish and game related land uses. **OUGHT TO PASS**

Rep. Dennis F. Abbott for Resources, Recreation and Development: This bill adds a new paragraph to RSA 212:34, Duty of Care, that places into statute that the owner, occupant or leasee of a property being utilized for OHRV operation shall not be liable for any injury sustained while on the property except as provided for in other sections of this RSA. The bill also makes a technical correction by removing the second paragraph of RSA 215-A:34 and placing it in RSA 215-A:5-c that specifically deals with OHRV operation. This bill was the request of the Fish and Game Department, supported by the Bureau of Trails and was unopposed in committee. Vote 19-0.

HB 315, relative to best available technology for air pollution control. OUGHT TO PASS WITH AMENDMENT

Rep. Lee G. Slocum for Science, Technology and Energy: This bill requires the use of Best Available Control Technology (BACT) for controlling emissions from plants burning construction and demolition (C&D) debris. Emission limits are established by the Department of Environmental Services (DES) which will strive for the maximum degree of reduction achievable for each air contaminant that would be emitted from any plant. In establishing these limits, DES will take into account energy, environmental, health based considerations and economic impacts in determining techniques for control of such air contaminants. The original bill is a result of HB 1421 that was studied last session. The committee held two public hearings and two subcommittee sessions on this bill making several amendments, including certifying the fuel source for construction and demolition wood chips. DES will not issue any permits until its rules for the implementation of BACT have been established through the normal process, resulting in an implicit moratorium in C&D burning of not less than 8 months. The result of this legislation will allow strictly controlled incineration of construction and demolition debris that will generate electricity and save up to 300,000 tons of "wood" per year potentially going to landfills. While DES rules are not yet established, it is likely that a C&D plant with BACT should not emit pollutants in excess of the approximate level emitted by plants burning pure wood without BACT. Vote 15-0.

Amendment (0667h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Air Pollution Control; Definitions. Amend RSA 125-C:2 by inserting after paragraph VI the following new paragraph:

VI-a. "Dioxin" means a group of chemical compounds that share certain similar chemical structures and mode-of-action biological characteristics, including a total of 17 dioxin-like compounds that are members of 2 closely related families: chlorinated dibenzo-p-dioxins (CDDs) and chlorinated dibenzofurans (CDFs).

2 New Paragraph; Air Pollution Control; Definitions. Amend RSA 125-C:2 by inserting after paragraph IX-e the following new paragraph:

IX-f. "Particulate matter" means any material, including lead, but not uncombined water, which is or has been suspended in air or other gases and which exists in a finely divided form as a liquid or solid at standard conditions.

3 New Subparagraphs; Air Pollution Control Act; Rulemaking Authority. Amend RSA 125-C:4, I by inserting after subparagraph (n) the following new subparagraphs:

(o) Applicability thresholds for emissions of particulate matter, mercury, and dioxin as provided in RSA 125-C:10-a, VII(f).

(p) The duration of time during which no additional best available control technology determination is required as provided in RSA 125-C:10-a, IV and VI.

(q) Procedures for establishing standards for and certification of any material, that is not an exempt fuel, to be combusted in a device at an affected source subject to RSA 125-C:10-a.

4 New Section; Air Pollution Control Act; Best Available Control Technology. Amend 125-C by inserting the following new section:

125-C:10-a Best Available Control Technology Required.

I. For the purposes of this section:

(a) "Best available control technology" means an emission limitation based on the maximum degree of reduction for each air contaminant that would be emitted from any device that the department, on a case-by-case basis, taking into account energy, environmental, public health, and economic impacts and other costs, determines is achievable for such device through application of production processes or available equipment, methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant.

(b) "Exempt fuel" means coal, natural gas, landfill gas, digester or bio gas, untreated wood, virgin petroleum products, or any mixture thereof.

II. Except as provided in paragraph VII, the construction, installation, operation, or material modification of any device located at an affected source that will combust any material shall be prohibited without first applying for and obtaining a permit from the department that establishes emission limitations for such device based on best available control technology for controlling any particulate matter, mercury, or dioxin emissions from such device. Any material to be combusted

in such device that is not an exempt fuel shall be certified as complying with standards established by the department. As part of the application for a permit, the affected source shall demonstrate that such standards and certification shall be complied with during facility operation. The permit shall contain inspection, testing, and reporting requirements to ensure such standards are met. The permit shall establish procedures for sampling and testing appropriate to the material to be combusted using US EPA SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, and applicable American Society for Testing and Materials sampling methods or alternate sampling and testing methods approved by the department.

III. If stack testing results show that emissions from a device are less than but within 10 percent of the emission limitation for a specific air contaminant established under paragraph II for the device, the affected source shall install a department approved continuous emission monitor (CEM) for that air contaminant. If a department approved CEM is not available for that air contaminant, the affected source shall submit a plan, including monitoring and stack testing requirements, for ensuring that the emissions limitation for that air contaminant is not exceeded until such time as a department approved CEM for that air contaminant becomes available. Once a department approved CEM is available, the affected source shall install that CEM within 24 months of department approval of the CEM.

IV. Once the department has established an emission limitation for one or more air contaminants under paragraph II for a device based on best available control technology, no further best available control technology determination for the emission of such air contaminant or air contaminants from such device shall be required for such period of time as specified in rules of the department, unless there is a material modification of the device.

V. Any determination by the department pursuant to paragraph II, shall be subject to the following:

(a) In no event shall application of best available control technology result in:

(1) Emission of any air contaminant that would exceed the emissions allowed by any applicable standard under RSA 125-C or RSA 125-I or rules adopted pursuant to either chapter; and

(2) Emission of any air contaminant specified in paragraph II in an amount disproportionate to the emissions of such air contaminant from other similar air pollution control devices for that air contaminant at facilities using similar combustion technology and similar fuels.

(b) If the department determines that a device emits more than one of the air contaminants specified in paragraph II, or that the affected source has more than one device that emits such air contaminants, the department shall determine best available control technology emission limitations for all such devices and all such air contaminants emitted.

VI. If, prior to the effective date of this section, the department made under other authority a best available control technology determination for any air contaminant specified in paragraph II for any existing device and established in a permit issued pursuant to this chapter an emission limitation for such air contaminant, then no determination of best available control technology pursuant to paragraph II for such air contaminant from such device shall be required for such period of time as specified in rules of the department, unless there is a material modification of the device.

VII. This section shall not apply to:

(a) A municipal waste combustor that is subject to RSA 125-M;

(b) Chemical recovery combustion sources at pulp and paper mills subject to 40 CFR 63, Subpart MM;

(c) A device at an affected source that combusts material of which at least 90 percent by weight is exempt fuel;

(d) An affected source that is within a listed source category and subject to a performance standard or emission guidelines established by the United States Environmental Protection Agency pursuant to either section 111 or section 112 or section 129 of the Clean Air Act, provided that these standards and guidelines are at least as stringent as those achieved by applying best available control technology as specified under paragraph II;

(e) A device at an affected source that, on the effective date of this section, routinely combusts any material other than a material specified in subparagraph (c) under a permit issued by the department, unless there is later a material modification of such device; or

(f) A device at an affected source with emissions of particulate matter, mercury, or dioxin below threshold levels established by rules of the department.

5 Rules Required. No permits shall be issued under RSA 125-C:10-a until final adoption of all rules required by this act.

6 Effective Date. This act shall take effect upon its passage.

HB 328, relative to jurisdiction over land occupied by or ceded to the United States. **INEXPEDIENT TO LEGISLATE**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The federal government has a detailed system of disposing of excess properties. In most situations, state and local government has priority for such properties, usually at little to no cost. However, this bill would require the federal government to turn over all excess government property to the state. It is not in the best interest of the state to become property owners for excess property. The cost of such hardship could result in serious fiscal demands on the state. Vote 12-1.

HB 387, authorizing the state treasurer to make a lawful money requisition order. **INEXPEDIENT TO LEGISLATE**

Rep. James G. Rolston for State-Federal Relations and Veterans Affairs: This bill would have directed the Attorney General to file for the involuntary bankruptcy of the Federal Reserve Bank of Boston and the sale of its assets at a sheriff's sale. The majority of the committee believed this was not in the best interest of New Hampshire citizens. Vote 12-1.

HB 718-FN-A, relative to group life insurance for New Hampshire citizens serving in the military reserves or national guard and making an appropriation therefor. **OUGHT TO PASS**

Rep. James G. Rolston for State-Federal Relations and Veterans Affairs: The state shall pay for group life insurance in the coverage amount of \$250,000 for each New Hampshire citizen serving in the military reserves or national guard and activated. The state's obligation shall be for each period of activated duty up to 24 months each. The sum of \$100,000 for the fiscal year ending June 30, 2006 and the sum of \$100,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the adjutant general, for the purposes of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. Vote 13-0. Referred to the Committee on Finance.

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire. **OUGHT TO PASS**

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: Extensive research and study has been done going as far back as the 1600's including, but not limited to, the 1740 decree, the original County of Rockingham boundary of 1769, and the resolution of the 1828 Boundary Commission. The Boundary as described by the 1828 Boundary Commission as the boundary line between New Hampshire and Maine "Shall pass up through the mouth of the Piscataquis harbor, and up the middle of the River Newichwannock part of which is now called Salmon Falls, and through the middle of the same of the farthest head thereof." The study commission concluded that New Hampshire has historically owned the Piscataqua River and inland harbor. This resolution requests our congressional representatives to introduce legislation to once and for all resolve the issue of the actual location of the boundary between New Hampshire and Maine in the inner Piscataqua harbor and river area. Vote 13-0.

HCR 8, urging the Congress of the United States to place a moratorium on new free trade agreements, to investigate and review current free trade agreements and policies of the United States, to investigate and review participation of the United States with international trade organizations and to ensure that such agreements, policies, and participation are in the best interests of the citizens of the state of New Hampshire and the United States. **OUGHT TO PASS**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: The only concern the committee had on this resolution was placing a moratorium on new trade agreements but after considerable discussion it was felt that Congress should not pass any new agreements until it fully understands the implications of policies and agreements that are already in place. Vote 12-1.

HR 11, urging the department of defense to establish a military presence on the New Hampshire sea-coast to ensure a rapid response to any threat to domestic security. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: The State of New Hampshire and its communities presently have a rapid response to isolated threats that might threaten her citizens through numerous police and fire departments as well as the State Police and Office of Emergency Management. For greater threats to the state and for issues of national security such as what occurred on 9/11, the Federal Division of Homeland Security was formed to better coor-

dinate various agencies including the military forces of all the state governments to counter the threat. The NH Adjutant General is the military Chief of Staff to the Governor and oversees the assets of the New Hampshire Army and Air National Guard. The mission of the Adjutant General's department is to provide the state with operationally ready units and personnel to protect life and property and to preserve the internal security of the state when ordered by the governor. Therefore, the Governor of the State of New Hampshire is the person with the responsibility of making sure that the Adjutant General is given the support necessary to carry out his mission. To suggest that a legislative body of a state can urge a federal agency, namely the Department of Defense, to allocate valuable military assets with all the associated costs in personnel and material to cover any and all perceived threats whether real or imagined is not feasible or within the jurisdiction of the General Court. Vote 12-1.

HB 205, relative to licensing requirements for certain drivers. **OUGHT TO PASS**

Rep. Stephen H. Nedeau for Transportation: This bill is related to licensing requirements for certain drivers. It is intended to crack down on persons who drive without a license or after their license has been suspended or revoked, the holder of a youth operator's license who is convicted of a DWI (RSA 265:80, RSA 265:82 or RSA 265:82-a) shall not be eligible for re-issuance of a license prior to the age of 21. This bill was a request of Department of Safety. Vote 11-0.

HB 244-FN, relative to statutory liens by the department of safety. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: This bill addresses a loophole and deficiency in the present law. The International Fuel Tax Agreement and The International Registration Plan are compacts entered into among most of the states and some of the Canadian provinces. For years, the road toll law has contained a provision that if a New Hampshire trucker fails to pay his fuel tax or fees, the Department of Safety can record a lien against all the vehicles in his fleet until the State has been paid. However, with the passage of the International Fuel Tax Agreement, the law did not catch up with the agreement, and there exists no authority to place a similar lien against out-of-state trucks under the Fuel Tax Agreement. There is also no provision under the International Registration Plan to collect delinquent registration plan fees by the placement of a lien. This bill corrects that oversight and establishes such mechanisms. It also modernizes the statutory lien law by making such a lien valid not only against the registered owner of the truck, but also against any bank or finance company that has an installment loan on the truck. Vote 13-0.

HB 378, relative to indicating citizenship on drivers' licenses. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Transportation: At this time federal legislation has been passed and more is pending on design and information requirements for state driver's licenses. The committee feels that it would be fiscally prudent to wait until next session to deal with this issue, to avoid changing the driving license design twice in a short period of time. The committee is monitoring relevant federal legislation. Vote 13-1.

HB 493, relative to noncommercial antique motor vehicle restoration activities. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Transportation: This bill would preempt local building and zoning ordinances to allow construction of a temporary building to facilitate vehicle restoration. It would also usurp local authority in limiting the number of such buildings. The committee feels that this bill would infringe on local authority, could be easily abused and is a local issue. Vote 13-0.

HB 518-FN, relative to eligibility for youth operators' licenses. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required a youth operator to furnish proof of current school attendance, receipt of home education or a high school diploma to obtain an operators license. Although we all want our children to get a good education there are good reasons why some kids do not finish their schooling. They can be good, productive members of society without a diploma and shouldn't be punished for a life style that is beyond their control. Vote 13-0.

HB 566, relative to eligibility for public benefits and drivers' licenses. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Transportation: This bill seeks to prevent the Department of Motor Vehicles from issuing drivers licenses to persons who are not legally in the United States, as

a means of preventing them from obtaining public benefits. Current law already prevents this and the Department of Motor Vehicles does not issue drivers licenses to illegal aliens. Furthermore, there is a pending federal measure that will establish new, rigid license standards. There is not enough evidence to establish what state or federal benefits are if at all being abused. Vote 14-0.

HB 599-FN, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: This bill requires that a vehicle dealer of new cars shall disclose in writing that a vehicle they sell is equipped with an event data recorder (EDR) or a sensing diagnostic modules (SDM). A person other than the registered vehicle owner authorized to download the data may not release that data, except to share the data among the motor vehicle safety and medical research communities to advance motor vehicle safety and only if the identity of the registered owner or driver is not disclosed. Violators of this section of the bill shall constitute an unfair or deceptive act under the consumer protection act. Vote 9-0.

Amendment (0855h)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Event Data Recording Devices in Motor Vehicles. Amend RSA by inserting after chapter 357-F the following new chapter:

CHAPTER 357-G

EVENT DATA RECORDING DEVICES IN MOTOR VEHICLES

357-G:1 Event Data Recorders.

I. As used in this section, "recording device" means a device that is installed by the manufacturer of the vehicle and does one or more of the following, for the purpose of retrieving data after an accident:

- (a) Records how fast and in which direction the motor vehicle is traveling.
- (b) Records a history of where the motor vehicle travels.
- (c) Records steering performance.
- (d) Records brake performance, including, but not limited to, whether brakes were applied before an accident.
- (e) Records the driver's seatbelt status.
- (f) Has the ability to transmit information concerning an accident in which the motor vehicle has been involved to a central communications system or other external device when an accident occurs.

II. A motor vehicle dealer of a new motor vehicle sold in this state that is equipped with one or more recording devices, commonly referred to as "event data recorders (EDR)" or "sensing and diagnostic modules (SDM)," shall disclose that fact in writing to the consumer prior to the sale.

III. A person other than the registered vehicle owner authorized to download or otherwise retrieve data from a recording device, may not release that data, except to share the data among the motor vehicle safety and medical research communities to advance motor vehicle safety, and only if the identity of the registered owner or driver is not disclosed.

IV. Violations of this section shall constitute an unfair or deceptive act or practice under RSA 358-A:2.

V. This section applies to all motor vehicles manufactured on or after July 1, 2006.

AMENDED ANALYSIS

This bill requires disclosure to consumers of the presence of event data recording devices in new motor vehicles. This bill also limits the use of data recorded by event data recording devices.

HB 683-FN, relative to reporting of motor vehicle offenses by driver education instructors and drivers' school licensees. **OUGHT TO PASS**

Rep. James W. Danforth for Transportation: This bill requires driver education instructors to have a certificate issued by the Department of Safety. It also requires any instructor to notify the department if their license has been suspended or revoked in this or any other jurisdiction. It allows for the department to suspend the license of a driving school or instructor after a hearing, if committing any offense that results in loss of driving privileges. Vote 14-0.

REGULAR CALENDAR – PART I

HB 209-FN, relative to unborn victims of violence. **INEXPEDIENT TO LEGISLATE**
 Rep. Timothy N. Robertson for Criminal Justice and Public Safety: This bill establishes a separate offense for causing the death of, or injury to, an unborn child. If passed as written, the bill, in effect, establishes life at conception, a concept not currently accepted. The sponsor has presented us with a bill that the legislature has failed to resolve in the past and we have failed to resolve in this committee. Vote 12-3.

Reps. Paul Smith, Giuda and Wendelboe spoke against.

Rep. W. Packy Campbell spoke against and yielded to questions.

Rep. Welch spoke to the bill.

Rep. Langlais requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 212 NAYS 138**YEAS 212****BELKNAP**

Allen, Janet
 Russell, David

Morrison, Gail
 Veazey, John

Nedeau, Stephen
 Whalley, Michael

Pilliod, James

CARROLL

Babson, David Jr
 McConkey, Mark

Buco, Thomas
 Olimpio, J Lisbeth

Dickinson, Howard
 Patten, Betsey

Knox, J David
 Philbrick, Donald

CHESHIRE

Allen, Peter
 Dunn, J Timothy
 Foote, Sheila
 Plifka, Stanley Jr
 Robertson, Timothy

Butcher, Suzanne
 Eaton, Daniel
 Hunt, John
 Pratt, John
 Sawyer, Sheldon

Butynski, William
 Emerson, Susan
 Mitchell, Bonnie
 Richardson, Barbara
 Tilton, Anna

Dexter, Judson
 Espiefs, Peter
 Parkhurst, Henry
 Roberts, Kris
 Weed, Charles

COOS

Buzzell, Bernard
 Stohl, Eric

Mears, Edgar
 Theberge, Robert

Merrick, Scott
 Tholl, John Jr

Remick, William

GRAFTON

Almy, Susan
 Bleyler, Ruth
 Ham, Bonnie
 Mulholland, Catherine

Andersen, Gene
 Cooney, Mary
 Hammond, Lee
 Nordgren, Sharon

Barker, Robert
 Eaton, Stephanie
 Harding, A Laurie
 Sokol, Hilda

Benn, Bernard
 Gionet, Edmond
 McLeod, Martha
 Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
 Calawa, Leon Jr
 Christensen, D L Chris
 Daniuk, Caitlin
 Drisko, Richard
 Garrity, Patrick
 Graham, John
 Jean, Claudette
 Lefebvre, Roland
 Michon, Stephen
 Price, Pamela
 Shaw, Barbara
 Vaillancourt, Steve

Barry, J Gail
 Campbell, David
 Clemons, Jane
 Desmarais, Vivian
 Emerton, Larry
 Golding, William
 Harvey, Suzanne
 Kopka, Angeline
 Lessard, Rudy
 Movsesian, Lori
 Rochette, Eric
 Smith, David
 Villeneuve, Maurice

Beaulieu, Jane
 Carter, Mark
 Cote, David
 DeVries, Betsi
 Essex, David
 Goley, Jeffrey
 Holden, Randolph
 Kurk, Neal
 Martin, Mary Ellen
 O'Connell, Timothy
 Rosenwald, Cindy
 Sullivan, Francis

Bergin, Peter
 Chase, Claudia
 Craig, James
 Dokmo, Cynthia
 Foster, Linda
 Gorman, Mary
 Irwin, Anne-Marie
 Lasky, Bette
 Messier, Irene
 Pappas, Christopher
 Ryder, Donald
 Sullivan, Peter

MERRIMACK

Anderson, Eric
 DeJoie, John

Bouchard, Candace
 DeStefano, Stephen

Brueggemann, Donald
 Foose, Robert

Currier, David
 French, Barbara

Gile, Mary
Hess, David
Marple, Richard
Owen, Derek
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Greco, Vincent
Kidder, David
Maxfield, Roy
Potter, Frances
Ryan, Jim
Wallner, Mary Jane

Hager, Elizabeth
Lockwood, Priscilla
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Hamm, Christine
MacKay, James
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn
Dalrymple, Janeen
Gilbert, Karl
Katsakiores, George
Moody, Marcia
Parker, Benjamin
Robertson, Carl
Splaine, James
Welch, David

Asselin, Michael
Cali-Pitts, Jacqueline
Flanders, John Sr
Gillick, Thomas
Langley, Jane
Norelli, Terie
Powers, James
Sanders, Elisabeth
Stiles, Nancy
Weyler, Kenneth

Belanger, Ronald
Casey, Kimberley
Flockhart, Eileen
Gould, Kenneth
Major, Norman
Nowe, Ronald
Priestley, Anne
Scamman, Stella
Stone, Joseph

Bishop, Franklin
Charron, Gene
Francoeur, Sheila
Johnson, Robert
McKinney, Betsy
Pantelakos, Laura
Rausch, James
Serlin, Christopher
Weare, E Albert

STRAFFORD

Brown, Jennifer
Creteau, Irene
Grassie, Anne
Keans, Sandra
Rous, Emma
Spang, Judith

Brown, Julie
Domingo, Baldwin
Heon, Richard
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Lawrence
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Cilley, Jacalyn
Goodwin, Earle
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

SULLIVAN

Cloutier, John
Gale, Harry
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Phinizz, James

NAYS 138

BELKNAP

Boyce, Laurie
Heald, Bruce
Wendelboe, Fran

Clark, Charles
Rosen, Ralph

Fitzgerald, James
Tilton, Franklin

Flanders, Donald
Tobin, William

CARROLL

Ahlgren, Christopher
Merrow, Harry

Brown, Carolyn
Stevens, Stanley

Chandler, Gene

Martin, James

CHESHIRE

Hogancamp, Deborah

Pelkey, Stephen

COOS

King, Frederick

Lary, Bruce

Morneau, Renney

Richardson, Herbert

GRAFTON

Giuda, Robert
Sorg, Gregory

Ingbretson, Paul
Ward, John

Maybeck, Margie

Mirski, Paul

HILLSBOROUGH

Aboshar, Jeffrey
Balboni, Michael
Boehm, Ralph
Carew, James

Adams, Jarvis IV
Batula, Peter
Brassard, Paul
Carlson, Donald

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Christiansen, Lars

Baines, Stephen
Biundo, Michael
Buhman, David
Clark, Mark

Coughlin, Pamela
Gibson, John
Hawkins, Ken
Jasper, Shawn
McRae, Karen
Ober, Lynne
Renzullo, Andrew
Souza, Kathleen
Wheeler, James

Crane, Elenore Casey
Goyette, Peter Jr
Hinkle, Peyton
L'Heureux, Robert
Mead, Robert
Pepino, Leo
Ross, Lawrence
Stepanek, Stephen
Wheeler, Robert

Elliott, Nancy
Haley, Robert
Hirschmann, Keith
Lawrence, James
Mooney, Maureen
Pilotte, Maurice
Rowe, Robert
Tahir, Saghir

Francoeur, Bea
Hansen, Ryan
Hunter, Bruce
Manney, Pamela
O'Brien, William
Reeves, Sandra
Slocum, Lee
Velez, Hector

MERRIMACK

Blanchard, Elizabeth
L'Heureux, Stephen

Danforth, James
Langlais, Thomas

Field, William
Whiting, Herbert

Kennedy, Richard

ROCKINGHAM

Allen, Mary
Camm, Kevin
DiFruscia, Anthony
Fesh, Bob
Headd, James
Introne, Robert
Kobel, Rudolph
McMahon, Charles
Putnam, Ed II
Smith, Paul
Winchell, George

Bettencourt, David
Carson, Sharon
Dodge, Robert
Forsing, Robert
Hopfgarten, Paul
Itse, Daniel
Lund, Howie
Moore, Benjamin
Quandt, Marshall Lee
Waterhouse, Kevin

Buxton, Donald
Coburn, James
Dowd, John
Garrity, James
Hughes, Daniel
Johnson, Rogers
Manning, John
O'Neil, Michael
Quandt, Matthew
Weldy, Norman

Cady, Harriet
Cooney, Richard
Dumaine, Dudley
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
Mason, April
Packard, Sherman
Rolston, James
Wells, Roger

STRAFFORD

Berube, Roger
Chaplin, Duncan
Twombly, James

Callaghan, Frank
Easson, Timothy

Campbell, W Packy
Hofemann, Roland

Cataldo, Sam
Newton, Clifford

SULLIVAN

Donovan, Thomas
and the committee report was adopted.

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

MOTION TO PRINT DEBATE

Rep. Giuda moved that the debate on HB 209-FN be printed in the Permanent Journal.

Rep. Guida requested a roll call; sufficiently seconded.

The question being should the debate on HB 209-FN be printed in the Permanent Journal.

YEAS 140 NAYS 211

YEAS 140

BELKNAP

Boyce, Laurie
Heald, Bruce
Veazey, John

Clark, Charles
Rosen, Ralph
Wendelboe, Fran

Fitzgerald, James
Tilton, Franklin
Whalley, Michael

Flanders, Donald
Tobin, William

CARROLL

Ahlgren, Christopher
McConkey, Mark

Brown, Carolyn
Merrow, Harry

Dickinson, Howard

Martin, James

CHESHIRE

Foote, Sheila

Hogancamp, Deborah

Pelkey, Stephen

COOS

Lary, Bruce

Morneau, Renney

Remick, William

Richardson, Herbert

GRAFTON

Giuda, Robert
Sorg, Gregory

Ingbretson, Paul
Ward, John

Maybeck, Margie

Mirski, Paul

HILLSBOROUGH

Aboshar, Jeffrey
Balboni, Michael
Boehm, Ralph
Carew, James
Coughlin, Pamela
Gibson, John
Hirschmann, Keith
Manney, Pamela
O'Brien, William
Ross, Lawrence
Stepanek, Stephen
Wheeler, James

Adams, Jarvis IV
Batula, Peter
Brassard, Paul
Christensen, D L Chris
Crane, Elenore Casey
Goyette, Peter Jr
Jasper, Shawn
Martin, Mary Ellen
Ober, Lynne
Rowe, Robert
Sullivan, Peter

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Christiansen, Lars
Elliott, Nancy
Hansen, Ryan
Lawrence, James
Mead, Robert
Reeves, Sandra
Slocum, Lee
Tahir, Saghir

Baines, Stephen
Biundo, Michael
Buhlman, David
Clark, Mark
Francoeur, Bea
Hinkle, Peyton
Lefebvre, Roland
Mooney, Maureen
Renzullo, Andrew
Souza, Kathleen
Velez, Hector

MERRIMACK

Blanchard, Elizabeth
Kennedy, Richard

Danforth, James
Kidder, David

DeStefano, Stephen
Langlais, Thomas

Field, William
Tilton, Joy

ROCKINGHAM

Allen, Mary
Cady, Harriet
Dodge, Robert
Forsing, Robert
Hopfgarten, Paul
Itse, Daniel
Lund, Howie
Nowe, Ronald
Quandt, Marshall Lee
Rolston, James
Waterhouse, Kevin
Winchell, George

Bettencourt, David
Carson, Sharon
Dowd, John
Garity, James
Hughes, Daniel
Johnson, Rogers
Manning, John
O'Neil, Michael
Quandt, Matthew
Sanders, Elisabeth
Welch, David

Blanchard, MaryAnn
Coburn, James
Dumaine, Dudley
Gillick, Thomas
Ingram, Russell
Katsakiores, George
Mason, April
Packard, Sherman
Rausch, James
Smith, Paul
Weldy, Norman

Buxton, Donald
DiFruscia, Anthony
Fesh, Bob
Headd, James
Introne, Robert
Katsakiores, Phyllis
Moore, Benjamin
Putnam, Ed II
Robertson, Carl
Stiles, Nancy
Wells, Roger

STRAFFORD

Berube, Roger
Cataldo, Sam
Twombly, James

Bickford, David
Easson, Timothy

Callaghan, Frank
Hofemann, Roland

Campbell, W Packy
Newton, Clifford

SULLIVAN

Donovan, Thomas

Irish, Christopher

Osgood, Philip Sr

NAYS 211**BELKNAP**

Allen, Janet
Russell, David

Morrison, Gail

Nedeau, Stephen

Pilliod, James

CARROLL

Babson, David Jr
Olimpio, J Lisbeth

Buco, Thomas
Patten, Betsey

Chandler, Gene
Philbrick, Donald

Knox, J David
Stevens, Stanley

CHESHIRE

Allen, Peter
Dunn, J Timothy
Hunt, John
Pratt, John
Sawyer, Sheldon

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Richardson, Barbara
Tilton, Anna

Butynski, William
Emerson, Susan
Parkhurst, Henry
Roberts, Kris
Weed, Charles

Dexter, Judson
Espieffs, Peter
Plifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie	Gionet, Edmond
Ham, Bonnie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Calawa, Leon Jr	Campbell, David	Carlson, Donald	Carter, Mark
Chase, Claudia	Clemons, Jane	Cote, David	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Essex, David	Foster, Linda
Garrity, Patrick	Golding, William	Goley, Jeffrey	Gorman, Mary
Graham, John	Haley, Robert	Harvey, Suzanne	Hawkins, Ken
Holden, Randolph	Hunter, Bruce	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Lessard, Rudy	McRae, Karen	Messier, Irene	Michon, Stephen
Movesian, Lori	O'Connell, Timothy	Pappas, Christopher	Pepino, Leo
Pilote, Maurice	Price, Pamela	Rochette, Eric	Rosenwald, Cindy
Ryder, Donald	Shaw, Barbara	Smith, David	Sullivan, Francis
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Currier, David
DeJoie, John	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Hess, David
L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bishop, Franklin
Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley	Charron, Gene
Cooney, Richard	Dalrymple, Janeen	Flanders, John Sr	Flockhart, Eileen
Francoeur, Sheila	Gilbert, Karl	Gould, Kenneth	Griffin, Mary
Johnson, Robert	Kobel, Rudolph	Langley, Jane	Major, Norman
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Parker, Benjamin	Powers, James	Priestley, Anne
Scamman, Stella	Serlin, Christopher	Splaine, James	Stone, Joseph
Weare, E Albert	Weyler, Kenneth		

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Chaplin, Duncan
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Goodwin, Earle	Grassie, Anne	Heon, Richard	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Wall, Janet			

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinazy, James

Prichard, Stephen
and the motion to print the debate failed.

HB 616-FN-L, revising the calculation and distribution of adequate education grants. OUGHT TO PASS WITH AMENDMENT

Rep. David W. Hess for Education: This bill as it comes to the floor is a consensus, compromise bill in every sense of those words. First, it merges specific provisions from three of the ten education funding bills into a logical, consistent whole, and it merges provisions from bills that were distinct, and in some ways, disparate from each other. Second, HB 616 as amended embodies concepts and approaches contained in all ten of those formulations. Third, HB 616 as amended is the definition of a compromise, because no one legislator, no one interest group, gets all that he, she, or it wanted. No one is completely happy with the result. Everyone had and has to give up something. And there is probably no major provision of this bill that, standing alone, has the unanimous support of the committee majority, which voted 16-4 to send this bill to the House. Finally, it is a consensus compromise because of the process by which it was reached. After literally, two solid weeks of public hearings on the eight bills and various amendments introduced on education funding, the standing subcommittee spent three grueling, seemingly interminable weeks sifting through the bills, collecting additional information, and weighing the merits and demerits of each bill. That exercise narrowed consideration to three specific bills: HB 100, The Weyler Bill; HB 606 as revised by the Asselin amendment; and HB 616, The King Bill. On the next to last possible day for action, the subcommittee deadlocked 4-4 on both the Weyler Bill and the Asselin amendment. Looking over the brink into the abyss, the subcommittee came together and crafted the consensus compromise before you. This bill has five significant components. First, it adopts from the King Bill the concept of a base, per pupil cost for education, using a formula which had been the law for the first four years following Claremont II, and arrives at a uniform property tax which would be needed to raise that amount of money for all students in the state. Then, it multiplies the total equalized assessed valuation ("EAV") of real property in each town by that hypothetical tax rate. If the resulting number is greater than the dollars needed to pay the base per pupil cost for all of the pupils in that town, the towns gets no grant. If that number is less, however, then the town receives a grant for the difference. Under this targeting formula, \$154 million is distributed to our towns and cities which qualify for grants. A second targeting formula, the so-called Education Equity Index ("EEI") contained in HB 100, is used to distribute an additional \$300 million using seven criteria, including equalized assessed valuation per pupil, median household income, children on free and reduced lunches, children with English as a second language, and three measurements of school performance. These, combined, result in a second round of grants to those towns and cities deemed in need of additional funding because their EEI scoring is below 120% of the statewide average. Thus, this bill targets 100% of these grants using those two formulas, as opposed to only targeting about 25% under current law. Third, to provide our towns and cities some stability and predictability in their education funding, and to give them time to plan and prepare for the reduction in state aid which they will experience as the new funding proposal succeeds the old, transition grants totaling \$44 million in FY 2006 are made to 82 middle-tier towns so that no town or city will experience a grant reduction of more than 10% a year. These transition grants will decrease significantly year over year until they are totally phased out. These transition grants are in addition to the aid grants and are not paid for by reducing the aid grants made under the bill. Fourth, to expand our very successful low and moderate income tax relief law, and to grant greater property tax relief to those least able to pay in all of our towns and cities, that program is expanded to grant property tax relief for up to \$7 per 1,000 in local education property tax payments, a 220% increase over the current law. This is expected to send an estimated \$20 million more back to those taxpayers in our towns and cities. Finally, and for the first time, this bill funds our Performance Improvement Fund with \$1 million to assist those towns and cities with sub par education performance in bootstrapping themselves up to and above the state norms. But if, after three years, they do not succeed, then they will experience the "stick" of receiving only 95% of the state education grants to which they are otherwise would be entitled. In conclusion, this bill is greater than the sum of its parts. It is now a pure statement of education policy. It contains no funding or revenue projections. No one will like everything in it, and no one provision will gain unanimous or near unanimous support. But it targets more money than ever before to our poorer towns; it eliminates donor towns; it transitions our middle-tier towns so they can plan and prepare for lower state grants; and it increases property tax relief 300%. It isn't perfect, but as a whole, with all parts taken together and interconnected; this bill received an 80% consensus vote for passage in the committee. Vote 16-4.

Amendment (0877h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the education property tax and the education equity index.

Amend the bill by replacing all after the enacting clause with the following:

1 Persons and Property Taxable. RSA 76:3 is repealed and reenacted to read as follows:

76:3 Education Taxes.

I. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner of the department of revenue administration shall determine an average tax rate that is sufficient to fund average per pupil cost of all municipalities pursuant to RSA 198:40 multiplied by the statewide average daily membership in residence. The rate calculated shall be uniform on each \$1,000 of the value of taxable property of all persons and property taxable pursuant to RSA 72 and RSA 73, and except property subject to tax under RSA 82 and RSA 83-F.

II. Municipalities may assess local property taxes necessary to fund school district appropriations not funded by the state education base grants, transition grants, and state education assistance grants, paid from the education trust fund under RSA 198:39, or by other revenue sources.

III. The commissioner of the department of revenue administration shall use the most recent available equalized property tax assessment data in calculating the tax rate under paragraph I.

2 Persons and Property Taxable; Commissioner's Warrant. RSA 76:8 is repealed and reenacted to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall annually calculate the cost of education in a municipality pursuant to RSA 198:40.

II. Municipalities are authorized to assess local property taxes necessary to fund school district appropriations in excess of base grants, education assistance grants, and transition grants.

3 School Money; Determination of Average Per Pupil Cost. Amend RSA 198:40, I(b) to read as follows:

(b) The department shall identify those school districts where ~~[40 to] 60 to 80~~ percent of the elementary pupils enrolled in the grades tested on the day testing began, achieved a scaled score, in the statewide educational improvement and assessment program administered pursuant to RSA 193-C, in all areas tested, equivalent to performance at the basic level or above. From these school districts, the department shall then identify those school districts that have the lowest cost per pupil as calculated pursuant to subparagraph I(a) and which represent, as nearly as possible, 50 percent of the average daily membership in attendance at the elementary level of the school districts identified.

4 New Sections; Education Equity Index. Amend RSA 198 by inserting after section 40 the following new sections:

198:40-a Education Equity Index.

I. Beginning July 1, 2005, and every fiscal year thereafter, the department shall determine an education equity index (EEI) for each municipality that had any resident pupils during the applicable determination year as follows:

(a) Each municipality's education equity index shall be computed by dividing one by the sum of:

(1) 0.4 times the statewide average equalized valuation per pupil divided by the equalized valuation per pupil for the municipality;

(2) 0.2 times the statewide median income divided by the municipality's median income;

(3) 0.095 times the percentage of the municipality's pupils in grades 1-12 eligible to receive a free or reduced price meal during the determination year as reported to the department divided by the statewide percentage of pupils in grades 1-12 eligible to receive a free or reduced price meal during the determination year as reported to the department;

(4) 0.005 times the percentage of the municipality's pupils in grade one through grade 8 identified as having limited English proficiency and receiving at least 5 hours per week of special instruction in English during the determination year as reported to the department divided by the statewide percentage of pupils in grades one through 8 identified as having limited English proficiency and receiving at least 5 hours per week of special instruction in English during the determination year;

(5) 0.15 times the statewide average test score divided by the municipality's average test score;

(6) 0.075 times the statewide graduation rate for the determination year as reported by the department divided by the municipality's graduation rate for the determination year as reported to the department, where each municipality's graduation rate shall be equal to the graduation rate for the particular high school attended by the municipality's resident pupils that attend high school; and

(7) 0.075 times the statewide percentage of high school graduates that entered directly into postsecondary education in the determination year as reported by the department divided by the percentage of the municipality's high school graduates that entered directly into postsecondary education in the determination year as reported to the department, where each municipality's percentage of high school graduates that entered directly into postsecondary education in the determination year rate shall be equal to the percentage of such high school graduates for the particular high school attended by the municipality's resident pupils that attend high school.

(b) For the fiscal years beginning July 1, 2005 and July 1, 2006, the department shall determine the education equity index for each municipality within 15 days after the effective date of this section.

(c) Beginning July 1, 2007, and every fiscal year thereafter, the department shall determine the education equity index for each municipality not later than October 1 in the calendar year preceding the beginning of the fiscal year for which the education equity index is calculated.

II. In determining the education equity index for any municipality that sends pupils to more than one school or school district, the department shall consider only data from schools or school districts within this state attended by 5 percent or more of the municipality's resident pupils, and the department shall determine each value necessary to calculate the education equity index for such municipality by weighting the corresponding values for each school or school district to which the municipality sends pupils by the number of resident pupils from the municipality that attend such school or school district. If a municipality sends all of its resident pupils that are relevant to the determination of any value necessary to calculate the education equity index for such municipality to one or more schools not operated by any school district, then the municipality shall be assigned the statewide value for such value.

198:40-b State Education Assistance.

I. For the fiscal year beginning July 1, 2005, and for the first year of each biennium thereafter, the department shall determine the amount of state education assistance under this section, if any, for a municipality, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, as follows:

(a) The state shall distribute state education assistance to municipalities pursuant to RSA 198:42 in an aggregate amount equal to the total amount of state education assistance grants determined for the fiscal year pursuant to subparagraph (b).

(b) The annual amount of state education assistance shall be distributed among the municipalities as state education assistance grants as follows:

(1) For each municipality with an education equity index for the applicable biennium year less than 1.2, the department shall determine a number of education equity units equal to the number of resident pupils in the municipality during the applicable determination year multiplied by the excess of 1.2 over the municipality's education equity index for such biennium. Each other municipality shall be assigned zero education equity units for such biennium.

(2) Each municipality shall receive a state education grant for such fiscal year equal to the total amount of state education grants for the fiscal year multiplied by a fraction, the numerator of which is the number of education equity units determined for such municipality for the applicable biennium, and the denominator of which is the total number of education equity units determined for all municipalities for such biennium.

II. For the fiscal year beginning July 1, 2006, and for the second year of each biennium thereafter, the department shall determine the amount of state education assistance under this section, if any, for a municipality, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, as follows:

(a) The state shall distribute state education assistance to municipalities pursuant to RSA 198:42 in an aggregate amount equal to the total amount of state education assistance grants determined for the fiscal year pursuant to subparagraph (b).

(b) Each municipality shall receive a state education assistance grant for such fiscal year equal to the total amount of state education assistance grants for the fiscal year as determined pursuant to paragraph III below multiplied by a fraction, the numerator of which is the number of education equity units determined for such municipality for the applicable biennium, and the denominator of which is the total number of education equity units determined for all municipalities for such biennium.

III. For the fiscal year beginning July 1, 2005, and for each fiscal year thereafter, the department shall determine the amount of state education assistance under this section as follows:

(a) For the fiscal year beginning July 1, 2005, the amount of state education assistance shall be \$300,000,000, to be distributed as determined in this section using the education equity index in RSA 198:40-a.

(b) For the fiscal year beginning July 1, 2006, the amount of state education assistance shall be the amount of assistance under this paragraph for such fiscal year multiplied by the sum of one plus the percentage change in the state average daily membership in attendance plus the average annual percentage rate of inflation for the immediately preceding 4 calendar years based on the northeast region consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor.

IV. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the amount of state education assistance for each such municipality shall be the lesser of the following:

(a) The amount calculated in accordance with paragraph I or paragraph II of this section, as applicable; or

(b) The total amount paid for education expense as determined by the department.

5 School Money; Calculation of Base Education Cost. RSA 198:41 is repealed and reenacted to read as follows:

198:41 Base Education Cost; Base Grant; Transition Grant.

I. A municipality's base education cost shall be determined by multiplying the municipality's average per pupil cost, pursuant to RSA 198:40, by the average daily membership in residence in the municipality.

II. A municipality which cannot raise sufficient revenue at the average rate established under RSA 76:3 to fund its base education cost shall receive a base grant from the education trust fund established in RSA 198:39, in an amount sufficient to fund its base education cost.

III. Transition grants shall be paid from the education trust fund and shall be determined as follows:

(a) For the 2006 and 2007 fiscal years, a municipality shall receive a transition grant for the amount that the state base grant and the state education assistance grant under RSA 198:40-b is less than 90 percent of the amount received in the 2005 fiscal year.

(b) For the 2008 fiscal year, and every fiscal year thereafter, a municipality shall receive a transition grant which is not less than 90 percent of the amount received in the preceding fiscal year. Provided, however, that after fiscal year 2008, if for a municipality the transition grant is equal to or less than \$100 per pupil, then the transition grant shall terminate.

6 School Money; Distribution Schedule. Amend the section heading of RSA 198:42 and RSA 198:42, I-II to read as follows:

198:42 **Funding** Distribution Schedule [~~of Adequate Education Grant~~]; Appropriation.

I. The [~~adequate education grant~~] **base grants** determined in RSA 198:41, **state educational assistance grants under RSA 198:40-b, and transition grants under RSA 198:41, V** shall be distributed to each municipality's school district or districts legally responsible for the education of the pupils who attend approved public schools within the district or in other districts or who attend approved programs for educationally disabled children, as the case may be, from the education trust fund in 4 payments of 20 percent on September 1, 20 percent on November 1, 30 percent on January 1, and 30 percent on April 1 of each school year; provided that for a dependent school district, the [~~grant~~] **base grants** determined in RSA 198:41 shall be distributed to the municipality, which shall appropriate and transfer the grant funds to its dependent school department.

II. For the fiscal year beginning July 1, 2004, and every fiscal year thereafter the amount necessary to fund the grants under RSA 198:41 is hereby appropriated from the education trust fund created under RSA 198:39 to the department. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of [~~adequate~~] education grants.

7 Additional Education Expenditures. Amend RSA 198:43 to read as follows:

198:43 Additional Education Expenditures. School districts are authorized to develop *additional* educational programs [~~beyond those required for an adequate education~~] and to raise and appropriate amounts necessary for such programs.

8 School Money; Maintenance of Local Control. Amend RSA 198:48 to read as follows:

198:48 Maintenance of Local Control. Distributions under RSA 198:42 are based on [~~adequate~~] education costs determined in RSA 198:40 and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets except that [~~adequate~~] education grants must be expended for educational purposes. [~~Adequate~~] *State* education grants [~~and hardship grants~~] shall not be considered unanticipated funds under RSA 198:20-b.

9 State Treasurer; Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, [~~RSA 198:46~~] and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

10 School Attendance; Duty of Parent; Compulsory Attendance. Amend RSA 193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and [~~adequate education~~] grants under RSA 198:41.

11 Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:38 to read as follows:

State Aid for [~~Educational Adequacy~~] *Education*; Education Trust Fund

12 School Money; Education Trust Fund. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute [~~adequate~~] *base, education assistance, and transition* education grants to municipalities' school districts pursuant to RSA 198:42, [~~and~~] to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, *and to fund the performance improvement fund established in RSA 193-H:4-a*. The state treasurer shall deposit into this fund immediately upon receipt:

13 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. For any charter school authorized by the state board of education, the pupil's resident district shall pay tuition beginning July 1, 2004 and every fiscal year thereafter, in an amount per pupil equal to the amount determined in RSA 198:40, I. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, tuition payments shall coincide with the distribution of [~~adequacy~~] grants under RSA 198:42 or on such other terms as are mutually acceptable.

14 School Performance and Accountability; Local Education Improvement Plan. Amend RSA 193-H:4, I (b) to read as follows:

(b) If a school or school district has been designated as in need of improvement, then the school or school district may request assistance from the department [~~of education~~] *and may request funding from the performance improvement fund established in RSA 193-H:4-a*. The department shall provide technical assistance to those schools that request assistance under this section.

15 New Paragraph; School Performance and Accountability; Local Education Improvement Plan. Amend RSA 193-H:4 by inserting after paragraph IV the following new paragraph:

V. Three years following the designation, a school or school district which is still not making satisfactory progress in implementing the plan required under subparagraph I(a) shall receive, in the next fiscal year, 95 percent of the education grant to which it is entitled under RSA 198:41. For each year thereafter in which such designation persists, a school or school district shall receive, in the next fiscal year, 95 percent of the education grant to which it is entitled under RSA 198:41.

16 New Section; School Performance and Accountability; Performance Improvement Fund. Amend RSA 193-H by inserting after section 4 the following new section:

193-H:4-a Performance Improvement Fund.

I. There is hereby established in the department a performance improvement fund which shall be administered by the commissioner. The purpose of the fund is to provide funding for approved improvement plans required under RSA 193-H:4, I. Approved improvement plans shall be funded to the extent of available funds in a fiscal year.

II. Beginning July 1, 2005, and every fiscal year thereafter, the sum of \$1,000,000 is hereby appropriated to this fund from the education trust fund established in RSA 198:39. Any unused funds remaining at the end of the fiscal year shall lapse to the general fund.

17 Low and Moderate Income Homeowners' Relief. Amend RSA 198:57, IV to read as follows:

IV. All or a portion of an eligible tax relief claimant's [state] education property taxes, RSA 76:3, shall be rebated as follows:

(a) Multiply the total local assessed value of the claimant's property by the percentage of such property that qualifies as the claimant's homestead;

(b) ~~Multiply \$100,000 by the most current local equalization ratio as determined by the department of revenue administration;~~

~~(c)~~ Multiply the [lesser of the] amount determined in subparagraph (a) ~~[or (b)]~~ by the current state *and local* education property tax rate as shown on the tax bill under RSA 76:11-a *up to a maximum equalized rate of \$7.60 per \$1,000 of the value of taxable property*;

~~[(d)]~~ (c) Multiply the product of the calculation in subparagraph [(c)](b) by the following percentage as applicable to determine the amount of tax relief available to the claimant:

(1) If a single person and total household income is:

(A) less than \$12,500, 100 percent;

(B) \$12,500 but less than \$15,000, 60 percent;

(C) \$15,000 but less than \$17,500, 40 percent; or

(D) \$17,500 but less than or equal to \$20,000, 20 percent.

(2) If a head of a New Hampshire household or a married person and total household income is:

(A) less than \$25,000, 100 percent;

(B) \$25,000 but less than \$30,000, 60 percent;

(C) \$30,000 but less than \$35,000, 40 percent; or

(D) \$35,000 but less than or equal to \$40,000, 20 percent.

~~[(e)]~~ (d) The amount determined by subparagraph [(d)](c) is the allowable tax relief in any year.

18 Repeals. The following are repealed:

I. 2004, 195:3 and 2004, 200:27, relative to the education property tax.

II. 2004, 200:16-200:23, relative to contingent applicability.

III. 2004, 200:25-200:28, relative to prospective versions of the education property tax and contingent applicability.

IV. RSA 198:38, VII, relative to the definition of adequate education costs.

V. RSA 198:44, relative to duties of the department of education and the board of education.

VI. RSA 198:46-47, relative to excess education property tax payment and forms.

VII. RSA 198:49, relative to the adequate education and education financing commission.

VIII. RSA 198:39, I(g), relative to excess education property tax payments.

19 Nonseverability. If the New Hampshire supreme court declares any provision of sections 118 of this act to be unconstitutional under either the New Hampshire constitution or the United States Constitution, then sections 1-18 of this act are hereby repealed on the date such unconstitutionality is declared.

20 Effective Date. This act shall take effect July 1, 2005 at 12:02 a.m.

AMENDED ANALYSIS

This bill:

I. Replaces the education property tax with a provision requiring the commissioner of the department of revenue administration to establish a tax rate sufficient to fund state education assistance payments.

II. Distributes state education assistance in the form of state education grants, which are determined on a municipality-by-municipality basis under a formula that calculates a municipality's need for assistance based on a broad range of factors, including fiscal capacity, resource challenges, performance, and student population, with the state education grants being adjusted in future years by the consumer price index and changes in statewide pupil population.

III. Provides that for the 2006 and 2007 fiscal years, a municipality shall receive a total grant which is not less than 90 percent of the total grant received in the 2005 fiscal year, and for the 2008 fiscal year, and every fiscal year thereafter, a municipality shall receive a total grant which is not less than 90 percent of the total grant received in the preceding fiscal year.

IV. Repeals the statutory provisions authorizing excess education property tax payments.
Amendment adopted.

Rep. Hess spoke in favor and yielded to questions.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Graham offered floor amendment (0941h).

Floor Amendment (0941h)

Amend the bill by replacing section 20 with the following:

20 Effective Date. This act shall take effect July 1, 2006.

Rep. Graham spoke in favor and yielded to questions.

Rep. Ober spoke in favor.

Rep. Hess spoke against.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (0941h).

YEAS 109 NAYS 253

YEAS 109

BELKNAP

Fitzgerald, James	Tobin, William	Veazey, John	Whalley, Michael
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CARROLL

Buco, Thomas	McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth
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CHESHIRE

Butcher, Suzanne	Hogancamp, Deborah	Pelkey, Stephen	Pratt, John
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COOS

Lary, Bruce	Morneau, Renney
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GRAFTON

Almy, Susan	Benn, Bernard	Ham, Bonnie	Hammond, Lee
Ingbretson, Paul	Maybeck, Margie	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Bergeron, Jean-Guy	Bergin, Peter	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris
Christiansen, Lars	Coughlin, Pamela	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Francoeur, Bea	Gibson, John	Goyette, Peter Jr
Graham, John	Hansen, Ryan	Hawkins, Ken	Hebert, Raymond
Hinkle, Peyton	Irwin, Anne-Marie	L'Heureux, Robert	Lawrence, James
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
O'Brien, William	Ober, Lynne	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Slocum, Lee	Stepanek, Stephen	Sullivan, Francis
Wheeler, James			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Danforth, James	Field, William
Gile, Mary	Lockwood, Priscilla	Maxfield, Roy	Osborne, Jessie
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	

ROCKINGHAM

Allen, Mary
Cooney, Richard
Gilbert, Karl
Katsakiores, George
McKinney, Betsy
Parker, Benjamin
Waterhouse, Kevin

Bishop, Franklin
Dalrymple, Janeen
Headd, James
Katsakiores, Phyllis
Morris, Richard
Robertson, Carl
Weldy, Norman

Buxton, Donald
Dowd, John
Hopfgarten, Paul
Lund, Howie
Nowe, Ronald
Smith, Paul
Weyler, Kenneth

Casey, Kimberley
Forsing, Robert
Introne, Robert
Major, Norman
Packard, Sherman
Stone, Joseph
Winchell, George

STRAFFORD

Bickford, David

Brown, Julie

Heon, Richard

Keans, Sandra

SULLIVAN

Converse, Larry

Donovan, Thomas

Ferland, Brenda

NAYS 253**BELKNAP**

Allen, Janet
Heald, Bruce
Rosen, Ralph
Wendelboe, Fran

Boyce, Laurie
Morrison, Gail
Russell, David

Clark, Charles
Nedeau, Stephen
Thomas, John

Flanders, Donald
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Philbrick, Donald

Babson, David Jr
Knox, J David
Stevens, Stanley

Brown, Carolyn
Martin, James

Chandler, Gene
Patten, Betsey

CHESHIRE

Allen, Peter
Eaton, Daniel
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Butynski, William
Emerson, Susan
Parkhurst, Henry
Robertson, Timothy

Dexter, Judson
Foote, Sheila
Plifka, Stanley Jr
Sawyer, Sheldon

Dunn, J Timothy
Hunt, John
Richardson, Barbara
Tilton, Anna

COOS

Buzzell, Bernard
Remick, William
Tholl, John Jr

King, Frederick
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Merrick, Scott
Theberge, Robert

GRAFTON

Andersen, Gene
Eaton, Stephanie
McLeod, Martha
Sorg, Gregory

Barker, Robert
Gionet, Edmond
Mirski, Paul
Ward, John

Bleyler, Ruth
Giuda, Robert
Mulholland, Catherine

Cooney, Mary
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Aboshar, Jeffrey
Beaulieu, Jane
Carew, James
Clark, Mark
Crane, Elenore Casey
Emerton, Larry
Garrity, Patrick
Gorman, Mary
Holden, Randolph
Jean, Claudette
Lefebvre, Roland
Michon, Stephen
Pepino, Leo
Rochette, Eric
Shaw, Barbara
Tahir, Saghir
Wheeler, Robert

Baroody, Benjamin
Biundo, Michael
Carter, Mark
Clemons, Jane
Daniuk, Caitlin
Essex, David
Ginsburg, Ruth
Haley, Robert
Hunter, Bruce
Kopka, Angeline
Lessard, Rudy
Movsesian, Lori
Pilotte, Maurice
Rosenwald, Cindy
Smith, David
Vaillancourt, Steve

Barry, J Gail
Brassard, Paul
Chabot, Robert
Cote, David
Desmarais, Vivian
Foster, Linda
Golding, William
Harvey, Suzanne
Infantine, William
Kurk, Neal
Manney, Pamela
O'Connell, Timothy
Price, Pamela
Ross, Lawrence
Souza, Kathleen
Velez, Hector

Batula, Peter
Campbell, David
Chase, Claudia
Craig, James
DeVries, Betsi
Gargas, Carolyn
Goley, Jeffrey
Hirschmann, Keith
Jasper, Shawn
Lasky, Bette
Martin, Mary Ellen
Pappas, Christopher
Reeves, Sandra
Schulze, Joan
Sullivan, Peter
Villeneuve, Maurice

MERRIMACK

Blanchard, Elizabeth	Brueggemann, Donald	Currier, David	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
MacKay, James	Marple, Richard	McMahon, Patricia	Owen, Derek
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Tupper, Frank	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Blanchard, MaryAnn	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	DiFruscia, Anthony
Dodge, Robert	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Garrity, James
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Hughes, Daniel
Ingram, Russell	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Kobel, Rudolph	Langley, Jane	Manning, John	Mason, April
McMahon, Charles	Moody, Marcia	Moore, Benjamin	Norelli, Terie
O'Neil, Michael	Pantelakos, Laura	Powers, James	Priestley, Anne
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Serlin, Christopher
Splaine, James	Stiles, Nancy	Weare, E Albert	Welch, David
Wells, Roger	Zolla, William		

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy
Goodwin, Earle	Grassie, Anne	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Knowles, William	Miller, Joseph	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Twombly, James	Wall, Janet		

SULLIVAN

Cloutier, John	Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte
Irish, Christopher	Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James

Prichard, Stephen
and floor amendment (0941h) failed.

The question now being adoption of the committee report.

Rep. O'Neil spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 241 NAYS 121**YEAS 241****BELKNAP**

Allen, Janet	Flanders, Donald	Hald, Bruce	Morrison, Gail
Neddeau, Stephen	Pilliod, James	Russell, David	Tilton, Franklin
Wendelboe, Fran			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	Morrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Butcher, Suzanne
Eaton, Daniel
Hunt, John
Richardson, Barbara
Tilton, Anna

Butynski, William
Espiefs, Peter
Mitchell, Bonnie
Roberts, Kris

Dexter, Judson
Footo, Sheila
Parkhurst, Henry
Robertson, Timothy

Dunn, J Timothy
Hogancamp, Deborah
Plifka, Stanley Jr
Sawyer, Sheldon

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Buzzell, Bernard
Merrick, Scott
Stohl, Eric

King, Frederick
Morneau, Renney
Theberge, Robert

Lary, Bruce
Remick, William
Tholl, John Jr

Mears, Edgar
Richardson, Herbert

GRAFTON

Andersen, Gene
Eaton, Stephanie
McLeod, Martha
Ward, John

Benn, Bernard
Gionet, Edmond
Mulholland, Catherine

Bleyler, Ruth
Hammond, Lee
Nordgren, Sharon

Cooney, Mary
Harding, A Laurie
Solomon, Peter

HILLSBOROUGH

Baines, Stephen
Bergin, Peter
Carter, Mark
Craig, James
Essex, David
Goley, Jeffrey
Hunter, Bruce
Jean, Claudette
Manney, Pamela
Pappas, Christopher
Shaw, Barbara
Wheeler, Robert

Baroody, Benjamin
Brassard, Paul
Chabot, Robert
Daniuk, Caitlin
Gargas, Carolyn
Graham, John
Infantine, William
Kurk, Neal
Messier, Irene
Pilotte, Maurice
Sullivan, Francis

Batula, Peter
Brundige, Robert
Chase, Claudia
Desmarais, Vivian
Garrity, Patrick
Hebert, Raymond
Irwin, Anne-Marie
Lawrence, James
O'Connell, Timothy
Reeves, Sandra
Sullivan, Peter

Beaulieu, Jane
Carew, James
Coughlin, Pamela
Emerton, Larry
Golding, William
Holden, Randolph
Jasper, Shawn
Lefebvre, Roland
Ober, Lynne
Ross, Lawrence
Velez, Hector

MERRIMACK

Anderson, Eric
Currier, David
Foose, Robert
Hess, David
Langlais, Thomas
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Whiting, Herbert

Blanchard, Elizabeth
Danforth, James
French, Barbara
Kidder, David
Lockwood, Priscilla
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Williams, Robert

Bouchard, Candace
DeJoie, John
Greco, Vincent
Klose, John
MacKay, James
Owen, Derek
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
DeStefano, Stephen
Hager, Elizabeth
L'Heureux, Stephen
Maxfield, Roy
Potter, Frances
Ryan, Jim
Walz, Mary Beth

ROCKINGHAM

Allen, Mary
Buxton, Donald
Coburn, James
Dowd, John
Forsing, Robert
Gillick, Thomas
Hopfgarten, Paul
Katsakiores, George
Lund, Howie
Moody, Marcia
Packard, Sherman
Quandt, Matthew
Scamman, Stella
Waterhouse, Kevin
Weyler, Kenneth

Asselin, Michael
Cady, Harriet
Dalrymple, Janeen
Dowling, Patricia
Francoeur, Sheila
Gould, Kenneth
Ingram, Russell
Katsakiores, Phyllis
Major, Norman
Morris, Richard
Pantelakos, Laura
Rausch, James
Serlin, Christopher
Welch, David
Winchell, George

Belanger, Ronald
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Fesh, Bob
Garrity, James
Griffin, Mary
Itse, Daniel
Kobel, Rudolph
Mason, April
Norelli, Terie
Powers, James
Rolston, James
Splaine, James
Weldy, Norman
Zolla, William

Blanchard, MaryAnn
Charron, Gene
Dodge, Robert
Flanders, John Sr
Gilbert, Karl
Headd, James
Johnson, Robert
Langley, Jane
McMahon, Charles
O'Neil, Michael
Priestley, Anne
Sanders, Elisabeth
Stiles, Nancy
Wells, Roger

STRAFFORD

Berube, Roger
 Callaghan, Frank
 Cilley, Jacalyn
 Goodwin, Earle
 Johnson, Nancy
 Miller, Joseph
 Snyder, Clair
 Twombly, James

Brown, Jennifer
 Campbell, W Packy
 Creteau, Irene
 Grassie, Anne
 Kaen, Naida
 Rollo, Michael
 Spang, Judith
 Wall, Janet

Brown, Julie
 Cataldo, Sam
 Domingo, Baldwin
 Heon, Richard
 Keans, Sandra
 Rous, Emma
 Taylor, Katherine

Brown, Lawrence
 Chaplin, Duncan
 Dunlap, Patricia
 Hofemann, Roland
 Knowles, William
 Schmidt, Peter
 Taylor, Kathleen

SULLIVAN

Cloutier, John
 Gale, Harry
 Osgood, Philip Sr

Converse, Larry
 Houde-Quimby, Charlotte
 Prichard, Stephen

Donovan, Thomas
 Irish, Christopher
 Rodeschin, Beverly

Ferland, Brenda
 Jillette, Arthur Jr

NAYS 121**BELKNAP**

Boyce, Laurie
 Thomas, John

Clark, Charles
 Tobin, William

Fitzgerald, James
 Veazey, John

Rosen, Ralph
 Whalley, Michael

CARROLL

Buco, Thomas

McConkey, Mark

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
 Weed, Charles

Emerson, Susan

Pelkey, Stephen

Pratt, John

COOS

None

GRAFTON

Almy, Susan
 Maybeck, Margie

Barker, Robert
 Mirski, Paul

Giuda, Robert
 Sokol, Hilda

Ham, Bonnie
 Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
 Barry, J Gail
 Buhlman, David
 Christensen, D L Chris
 Cote, David
 Drisko, Richard
 Gibson, John
 Haley, Robert
 Hinkle, Peyton
 Lasky, Bette
 Mead, Robert
 O'Brien, William
 Rochette, Eric
 Schulze, Joan
 Stepanek, Stephen
 Wheeler, James

Adams, Jarvis IV
 Bergeron, Jean-Guy
 Calawa, Leon Jr
 Christiansen, Lars
 Crane, Elenore Casey
 Elliott, Nancy
 Ginsburg, Ruth
 Hansen, Ryan
 Hirschmann, Keith
 Lessard, Rudy
 Michon, Stephen
 Pepino, Leo
 Rosenwald, Cindy
 Slocum, Lee
 Tahir, Saghir

Allan, Nelson
 Biundo, Michael
 Campbell, David
 Clark, Mark
 DeVries, Betsi
 Foster, Linda
 Gorman, Mary
 Harvey, Suzanne
 Kopka, Angeline
 Martin, Mary Ellen
 Mooney, Maureen
 Price, Pamela
 Rowe, Robert
 Smith, David
 Vaillancourt, Steve

Balboni, Michael
 Boehm, Ralph
 Carlson, Donald
 Clemons, Jane
 Dokmo, Cynthia
 Francoeur, Bea
 Goyette, Peter Jr
 Hawkins, Ken
 L'Heureux, Robert
 McRae, Karen
 Movsesian, Lori
 Renzullo, Andrew
 Ryder, Donald
 Souza, Kathleen
 Villeneuve, Maurice

MERRIMACK

Field, William
 Marple, Richard

Gile, Mary
 Soltani, Tony

Hamm, Christine
 Wallner, Mary Jane

Kennedy, Richard

ROCKINGHAM

Abbott, Dennis
 Carson, Sharon

Bettencourt, David
 Casey, Kimberley

Bishop, Franklin
 Cooney, Richard

Camm, Kevin
 Dumaine, Dudley

Flockhart, Eileen
Manning, John
Parker, Benjamin
Smith, Paul

Hughes, Daniel
McKinney, Betsy
Putnam, Ed II
Stone, Joseph

Introne, Robert
Moore, Benjamin
Quandt, Marshall Lee
Weare, E Albert

Johnson, Rogers
Nowe, Ronald
Robertson, Carl

STRAFFORD

Bickford, David

Easson, Timothy

Newton, Clifford

Smith, Marjorie

SULLIVAN

Franklin, Peter

Phinizy, James

and the committee report was adopted.

Referred to the Committee on Finance.

HB 691-FN-L, relative to the medicaid program. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Peter L. Batula for the Majority of Health, Human Services and Elderly Affairs: Medicaid was initiated to assist the elderly poor, the handicapped, unwed mothers, seriously mentally ill and many others. What once was nine percent of the state's budget recently surpassed the cost of education and is now at an alarming 23% of the state's budget. With the "baby boomers" generation upon us Medicaid, left alone, would simply become a bankrupt system of care for those who need it. The federal government currently matches 50% of Medicaid costs; it has cautioned the states to anticipate major cut backs requiring immediate curtailment of the spiraling increase of state Medicaid costs. This bill takes a first step to modernize the Medicaid program of health care for the indigent elderly and disabled. Nursing home care is expensive and is not needed or wanted by many who are Medicaid eligible. Under this bill choice is emphasized, including opportunity for home health care, assisted living and intermediate care, as well as nursing home care. The assessment of eligibility for long term care has been sharpened and will be administered by a registered nurse. It is not intended that it will make it more difficult to receive nursing home care; rather it provides for selection among a continuum of health care services. HB 691 intends to close all loopholes in current law that allow for individuals to impoverish themselves to qualify for Medicaid. This tends to bleed off assets that are needed by those who require Medicaid services. Those who have transferred assets or formed trusts who are now Medicaid eligible are grandfathered. However, that grandfather clause ends under this bill. The look back that is currently 3-5 years is extended to 5-10 years. All waivers granted by Center for Medicaid, Medicare Services will be reviewed by the Health and Welfare Oversight Committee which will report its findings to the legislative fiscal committee who will have final approval authority. In addition, the Health and Welfare Oversight Committee will have oversight of all activities relating to Medicaid reform. In furtherance of the Medicaid reform effort, a mental health commission is established regarding the delivery of community mental health services and the current status of New Hampshire Hospital. This bill does not now, nor will it, seek to commence recoveries when an individual is survived by a spouse, minor children or disabled children. A non-partisan subcommittee held over 35 hours of hearings and concluded that the bill was fair, workable, and sustainable. The essence of this bill is that the Medicaid system be saved for those it was intended to serve and provides a dignified, strong and viable Medicaid system. Vote 16-3.

Rep. Barbara C. French for the Minority of Health, Human Services and Elderly Affairs: We recognize and support the need for Medicaid modernization. Although the amended bill is vastly improved, the inclusion of an extended "look back" period for asset transfer from 3 to 5 years to 10 years is too severe. The Internal Revenue Service presently uses a 1-3 year "look back," and 3-6 year "look back" when extreme fraud is questioned. Encouraging purchase of Long Term Care (LTC) insurance may be a good idea, but for those who cannot even afford health insurance, LTC insurance is out of the question. Developing support services for mid-level and home care, in lieu of more expensive 24/7 nursing home care, needs to be recognized and incorporated in the bill.

Majority Amendment (0742h)

Amend the bill by replacing all after the enacting clause with the following:

I Purpose and Intent.

I. The general court recognizes that the demand upon the medicaid system will increase sharply in the near future due to the rapid aging of the population and the increasing numbers

of citizens 85 years of age and older. These facts coupled with an anticipated federal reduction in medicaid funding requires a more cost-effective system to ensure that the state has the ability to meet the needs of its citizens while providing quality care to medicaid recipients.

II. The purpose of this act is to carry out the proposals contained in the plan for the modernization of the medicaid program, called Granite Care, administered by the department of health and human services as it relates to the provision of long-term care. This act is written to strengthen the commitment of the state to its people, for the provision of long-term care within an established continuum of care of home and community-based care, intermediate or mid-level care, and nursing facility care. The plan provides for a basic health care system for elderly or disabled persons who are poor, are without the means for obtaining long-term care services, and who are in need of transitional or long-term support in order to achieve or maintain an identified degree of independence, self-sufficiency, health, or quality of life. The plan also provides a new emphasis on maintaining our elderly in home and community-based care through the empowerment of consumer choice. A basic intent underlying this proposal is that medicaid funding is reserved for those qualified individuals who need it and those who are not eligible are excluded.

2 Long-Term Care; Eligibility for Nursing Facility Services. Amend RSA 151-E:3, I(a) to read as follows:

(a) Clinically eligible for nursing facility care because the person requires 24-hour care for one or more of the following purposes, as determined by ~~the department~~ *registered nurses employed by the department using an assessment tool*:

(1) Medical monitoring and nursing care *when the skills of a licensed medical professional are needed to provide safe and effective services*;

(2) Restorative nursing or rehabilitative care *with patientspecific goals*;

(3) Medication administration ~~[or instruction and supervision of self-medication for discharge purposes only]~~ *by oral, topical, intravenous, intramuscular, or subcutaneous injection, or intravenous feeding for treatment of recent or unstable conditions requiring medical or nursing intervention*; or

(4) Assistance with 2 or more activities of daily living *involving eating, toileting, transferring, bathing, dressing, and continence*; and

3 Long-Term Care; Nursing Facility Services. Amend RSA 151-E:4 to read as follows:

151-E:4 Consumer Choice. A person who has been determined to be medicaid eligible for nursing facility services in accordance with RSA 151-E:3 shall have the right to receive nursing facility services; however, the person *shall be offered and* may choose to receive services in a less restrictive setting if such services are available and do not result in costs to the state and counties in excess of the limitations set forth in RSA 151-E:11, II. Such choice shall be ~~[subject to limitations imposed by federal and state laws and regulations]~~ *offered in accordance with state laws and federal regulations. The department shall take into consideration the family and community supports available to the person, the family's desire and ability to care for the person, and shall ensure that all consideration and support is offered to the family to maintain the person in home and community-based care. Nothing in this section is intended to require the provision of financial assistance or supports by a family member.*

4 Eligibility for Assistance; Asset Transfers. Amend RSA 167:4, I(b) to read as follows:

(b) In the case of an applicant for public assistance or medical assistance who has made an assignment or transfer of ~~[property]~~ *assets to an individual* for less than fair market value within ~~[36]~~ *60* months or in the case of ~~[payments from]~~ *transfers of real estate, or transfers of assets to a trust or portions of a trust that are treated as assets disposed of by the individual within [60] 120* months immediately preceding the date of application or while the application is pending, or in the case of a recipient of public assistance or medical assistance who makes such an assignment or transfer while in receipt of the assistance, the assistance sought shall only be granted or continue to be granted in accordance with rules establishing restrictions and eligibility criteria for such cases as adopted by the commissioner of the department of health and human services under RSA 541-A, subject to applicable federal regulations *and waiver approval, if any, and review by the oversight committee on health and human services, established in RSA 126-A:13. The oversight committee on health and human services shall make a report to the legislative fiscal committee which shall have final approval authority.*

5 Eligibility for Assistance; Medicaid. Amend RSA 167:4, IV(c) to read as follows:

(c) *Notwithstanding any provision of law to the contrary, for purposes of medicaid eligibility, investment in life insurance policies with cash surrender value in excess of \$1,500 shall be limited to policies that ensure payment to the state of New Hampshire of all the proceeds of the policy in excess of amounts spent on burial up to the total of medicaid expenditures made on behalf of the individual.*

(d) Contingent upon federal approval, the commissioner shall establish a program to eliminate the resource ceiling for applicants and recipients of medical assistance at the institutional level of care if the applicant or recipient benefits from or will benefit from a conforming long-term care insurance policy. The commissioner shall establish criteria for conforming long-term care insurance policies which, at a minimum, shall provide benefits for at least 36 months of nursing home payments at the average private pay rate for county nursing home facilities, an annual benefit inflation factor of at least 5 percent compounded annually, and coverage for home and community-based care equivalent to the benefit provided in a nursing facility. The estates of recipients of medical assistance for institutional level of care for whom the resource ceiling has been eliminated, shall be exempt from recoveries pursuant to RSA 167:13 and RSA 167:14.

(e) The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the proper administration of this paragraph.

6 Recovery for Assistance Furnished. Amend RSA 167:13, I to read as follows:

I. Except as provided in paragraph II, if at any time during the continuance of assistance, the recipient or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount stated in the application, it shall be the duty of the recipient within 10 calendar days to notify the commissioner of the department of health and human services of the receipt or possession of such property or income. On the death of a recipient of old age assistance, *aid to the needy blind, medicaid for employed adults with disabilities*, or aid to the permanently and totally disabled, the total amount of assistance paid under this chapter or RSA 161 shall be allowed as a claim against the estate of such person after payment of the charges in the priority set forth in RSA 554:19. No lien filed in accordance with RSA 167:14 shall be extended to enforce recovery nor shall any sale be forced against the real estate of a recipient of old age assistance, *aid to the needy blind, medicaid for employed adults with disabilities*, or aid to the permanently and totally disabled while it is occupied as a home by a surviving spouse. The federal government shall be entitled, as long as required as a condition to federal financial participation, to such proportion of the net amount collected from the estate of a recipient of old age assistance, *aid to the needy blind, medicaid for employed adults with disabilities*, or aid to the permanently and totally disabled as the federal participation bears to the total amount of assistance granted said recipient.

7 Assistance; Claims and Liens. Amend RSA 167:14, I to read as follows:

I. The estate of every recipient and the estate of a recipient's spouse, if any, owned severally or as joint tenants, shall be liable for all financial old age assistance, *aid to the needy blind*, or aid to the permanently and totally disabled granted to the recipient; provided, however, that the estate of a recipient's spouse shall be liable only for such financial assistance as was granted to the recipient during the time that the recipient and the recipient's spouse were neither legally separated nor divorced. After providing all owners of the real property known to the department with prior notice and an opportunity for a hearing, the commissioner of the department of health and human services shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property, notice of the lien. Such notice of lien shall contain the names of the recipient and the recipient's spouse, if any. All such liens shall continue during the lifetime of the recipient and of the spouse of the recipient, if any, and until enforced as provided in this section, unless sooner released by the commissioner of the department of health and human services.

8 Recovery of Assistance. Amend RSA 167:14-a, I and II to read as follows:

I. Any person who is a recipient of financial assistance, medical assistance, old age assistance, *aid to the needy blind, medicaid for employed adults with disabilities*, or aid to the permanently and totally disabled shall, by his acceptance of such assistance, be deemed to have assigned any claim or right of action against any person or party to the commissioner of health and human services, to the extent that such assistance is furnished.

II. Whenever a recipient of financial assistance, medical assistance, old age assistance, *aid to the needy blind, medicaid for employed adults with disabilities*, or aid to the permanently and totally disabled shall have a legally cognizable claim against any person or party for expenses or

support and the department of health and human services has already furnished assistance to such recipient, the amount of assistance furnished may be recovered in an action brought in the name of the state from such person or party against whom the recipient has a legally cognizable claim for expenses or support.

9 New Paragraph; Recovery of Assistance; Estates of Recipients. Amend RSA 167:14-a by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any provision of law to the contrary, for purposes of recovering the costs of medical assistance, the estate of a recipient shall include all property, real or personal, which at the time of a recipient's death was held by the recipient in joint tenancy with rights of survivorship, tenancy in common, life estate, living trust or other arrangement, without regard to the date that such title or interest was established. No sooner than 45 days from the death of the recipient, the department shall provide the other joint owner or owners notice of the department's claim. Within 30 days of the receipt of notification of the department's claim, the joint owner or owners shall acknowledge receipt of the department's claim and either tender an amount equal to the deceased recipient's interest in the identified property and/or financial instrument to the state of New Hampshire toward the deceased's medical assistance bill, but such amount shall not exceed the total amount of medical assistance provided to the deceased recipient, or enter into a binding agreement to make such payment as soon as is practicable. If the joint owner or owners refuse to acknowledge receipt of the department's claim or to tender payment or fail to fulfill the agreement to pay without good cause, as required by this paragraph, the commissioner may bring an action in superior court to compel such payment. Nothing in this paragraph shall be interpreted or applied so as to violate RSA 167:16-a, IV or 42 U.S.C. section 1396p(b)(2)(A) prohibiting recovery when the recipient is survived by a spouse, minor children, or disabled children.

10 Prescription Drugs; Organization of Drugs. Amend RSA 318:42, XIII to read as follows:

XIII. A nurse licensed under RSA 326-B, who is an employee of a ~~home health care or hospice agency~~ **health facility** licensed pursuant to RSA 151:2 and is acting in the course of employment, from organizing the prescription and nonprescription drugs of clients into containers designed to aid clients in carrying out a prescriber's directions, provided that the organizing of drugs is documented in the client's nursing record and that the original prescription containers remain in the client's possession.

11 New Subparagraph; Confidentiality of Records; Disclosure to Department of Health and Human Services. Amend RSA 21-J:14, V(d) by inserting after subparagraph (7) the following new subparagraph:

(8) An officer or employee of the department of health and human services in the performance of duties under RSA 167:14-a, V, which disclosure shall be limited to the report of the trust and a copy of the trust document, including any list of beneficiaries, filed in accordance with RSA 87:20.

12 New Paragraph; Duties of the Department of Health and Human Services; Medicaid Waivers. Amend RSA 126-A:4 by inserting after paragraph V the following new paragraph:

VI. The department of health and human services shall enter into medicaid waivers from the federal Centers for Medicare and Medicaid Services, subject in each case to a review by the oversight committee on health and human services, established in RSA 126-A:13, which shall make a report to the legislative fiscal committee which shall have final approval authority.

(a) Allow the department to begin the penalty period of ineligibility for medicaid services due to transfers of assets for less than fair market value as of the date of application for medical assistance or as of the date that the applicant, but for the transfer of assets for less than fair market value, meets all of the criteria for eligibility for medical assistance, whichever is later.

(b) Allow the department to eliminate the resource ceiling for applicants for medical assistance and to exempt them from actions for recovery against their estates for the cost of medical assistance they receive when they have a long-term care insurance policy that meets the standards established by the legislature and the department.

13 Long-Term Care; Cost Controls; Limitation on Waiver Slots. Amend RSA 151-E:11 to read as follows:

151-E:11 Program Management and Cost Controls.

I. The department shall designate in its operating budget requests specific class lines for nursing facility, mid-level, and home-based care provided for in this chapter. These class lines shall reflect, and the requesting documentation shall include, the anticipated number of persons to re-

ceive services. The department *with prior review of the county-state finance commission and with the approval of the legislative fiscal committee, may make transfers between these class lines, but shall not increase expenditures in the total approved budgets for* ~~[care] these class lines for the number of persons to receive mid-level or home care services without the approval of the legislative fiscal committee, and the prior review of the county-state finance commission~~.

II. For the fiscal year beginning July 1, 2003, and each fiscal year thereafter the average annual cost for the provision of services to persons in the mid-level of care shall not exceed 60 percent of the average annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed 50 percent of the average annual cost for the provision of services to persons in a nursing facility. Average annual costs shall be the net medicaid costs exclusive of provider payments. *No person whose costs would be in excess of 80 percent of the average annual cost for the provision of services to a person in a nursing facility shall be approved for home-based or mid-level services without the prior approval of the commissioner of health and human services.* The department shall provide a report semi-annually on the utilization of non-nursing home services to the county-state finance commission and the legislative fiscal committee.

14 Applicability. Pending federal Centers for Medicare and Medicaid Services approval required under section 4 of this act and notwithstanding RSA 167:4, I(b) or any other provision of law to the contrary, any applicant for public assistance or medical assistance who has made an assignment or transfer of assets to an individual for less than fair market value or who has transferred real estate or transferred assets to a trust relying on the 3-year or 5-year look back provision under RSA 167:4 and which is in existence on March 14, 2005 shall be grandfathered.

15 Commission Established. Pursuant to the goals of the Granite Care plan, there is established a commission to develop a comprehensive state mental health plan as recommended by the President's New Freedom Commission on Mental Health. The purpose of the commission is to create a 5-year strategy to deliver mental health services that are founded on the principles of resiliency and recovery, evidence - based practice, effectiveness and efficiency. The plan shall also focus on the integration of the mental health system with other systems of care, including the developmental services system and the elder care system.

16 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, 2 of whom shall be members of the house committee on health, human services and elderly affairs, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) Two members representing community mental health centers, one of whom shall be a board member, appointed by the Community Behavioral Health Association.

(d) The commissioner of the department of health and human services, or designee.

(e) The director of the division of community-based care services of the department of health and human services, or designee.

(f) The superintendent of New Hampshire hospital.

(g) The superintendent of the Glenclyff home for the elderly.

(h) The chief of the bureau of behavioral health, department of health and human services.

(i) The director of the office of consumer affairs, department of health and human services.

(j) The executive director of the National Alliance for the Mentally Ill (NAMI).

(k) The executive director of the governor's commission on disability, or designee.

(l) Two members representing consumers utilizing mental health services, appointed by the governor.

(m) Two members representing families utilizing mental health services, appointed by the governor.

(n) The director, office of alcohol and drug policy, department of health and human services.

(o) A psychiatrist, appointed by the New Hampshire Psychiatric Society.

(p) The medical director, bureau of behavioral health, department of health and human services.

(q) Two members representing peer support agencies, one of whom shall be a board member, appointed by the Consumer Council.

- (r) The commissioner of the department of corrections, or designee.
- (s) The superintendent of a county house of corrections, appointed by the governor.
- (t) A member of the West Institute, appointed by the Dartmouth Psychiatric Research Center.
- (u) The dean of the university of New Hampshire, school of health sciences.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission may seek grant funding support to carry out its duties.

17 Duties. The commission shall review and study the mental health service delivery system and make recommendations regarding:

I. The role and mission of New Hampshire hospital and Glencliff home for the elderly.

II. The role and mission of community mental health centers as providers of comprehensive behavioral health services and supports, including a range of residential services.

III. The role and mission of peer support programs.

IV. The role and mission of family mutual support organizations.

V. The integration of services for persons who have both mental illness and problems with substance abuse.

VI. The implementation of evidence based standards of care and treatment.

VII. The promotion of research to improve the treatment of mental illness.

VIII. The utilization of local community hospitals to provide short-term stabilization of mental health crises.

IX. The development of regional transitional housing.

X. The availability of mental health treatment in prisons and jails.

XI. The integration of mental and physical health care.

XII. Other matters related to the delivery of mental health services.

18 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Twelve members of the commission shall constitute a quorum. The bureau of behavioral health shall provide administrative support to the commission.

19 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, senate president, the house clerk, the senate clerk, the governor, and the state library in an interim report on or before December 1, 2005 and in a final report on or before December 1, 2006.

20 Oversight Committee on Health and Human Services; Duty Added. Amend RSA 126-A:15, I to read as follows:

I. The committee shall provide legislative oversight of and informational meetings on the programs, policies, and rules of the department of health and human services as brought to its attention by committee members, legislators, department personnel, or others. The committee's work may include, but is not limited to, analyzing the efficacy of selected programs, studying the characteristics of target populations, researching trends affecting program costs and participation, and reviewing alternate approaches to programmatic and administrative concerns. ***The committee shall monitor the on-going medicaid modernization plan.*** The committee shall provide informational meetings on such topics to the general court. The committee shall maintain communications with the department of health and human services, and any other departments, as necessary to accomplish its work.

21 Effective Date.

I. Section 2 of this act shall take effect January 1, 2006.

II. Sections 15-19 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill revises the medicaid program. Specifically some of the changes include:

I. Clarifying the law regarding eligibility for nursing facility services.

II. Clarifying entitlement to nursing facility care.

III. Revising the law regarding asset transfers preceding application for public assistance.

IV. Adding the category of aid to the needy blind for purposes of recovery of assistance.

V. Requiring the department of health and human services to seek certain medicaid waivers.

VI. Establishing a commission to develop a comprehensive state mental health plan.
 Majority amendment adopted.
 Rep. Craig spoke against.
 Reps. MacKay, Donovan and Batula spoke in favor.
 Rep. Boyce requested a roll call; sufficiently seconded.
 The question being adoption of the majority committee report.

YEAS 183 NAYS 178

YEAS 183

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Emerson, Susan	Hogancamp, Deborah	Hunt, John	Pelkey, Stephen
Richardson, Barbara	Sawyer, Sheldon		

COOS

King, Frederick	Remick, William	Stohl, Eric	Tholl, John Jr
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GRAFTON

Barker, Robert	Eaton, Stephanie	Giuda, Robert	Ingbreton, Paul
Maybeck, Margie	Mirski, Paul	Sorg, Gregory	Ward, John

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Baines, Stephen	Balboni, Michael
Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carter, Mark	Chabot, Robert
Christensen, D L Chris	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Essex, David	Francoeur, Bea	Gargaszy, Carolyn	Gibson, John
Golding, William	Goyette, Peter Jr	Graham, John	Hansen, Ryan
Hawkins, Ken	Hebert, Raymond	Hinkle, Peyton	Hirschmann, Keith
Holden, Randolph	Hunter, Bruce	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Mead, Robert	Michon, Stephen	Mooney, Maureen	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Price, Pamela	Reeves, Sandra
Ross, Lawrence	Ryder, Donald	Schulze, Joan	Slocum, Lee
Stepanek, Stephen	Tahir, Saghir	Vaillancourt, Steve	Wheeler, James
Wheeler, Robert			

MERRIMACK

Blanchard, Elizabeth	Danforth, James	Field, William	Hager, Elizabeth
Kennedy, Richard	Kidder, David	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Soltani, Tony

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bettencourt, David
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	Dalrymple, Janeen

DiFruscia, Anthony
Fesh, Bob
Gillick, Thomas
Hopfgarten, Paul
Itse, Daniel
Kobel, Rudolph
Mason, April
Morris, Richard
Quandt, Marshall Lee
Scamman, Stella
Waterhouse, Kevin
Weyler, Kenneth

Dodge, Robert
Flanders, John Sr
Gould, Kenneth
Hughes, Daniel
Johnson, Rogers
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Smith, Paul
Weare, E Albert

Dowd, John
Forsing, Robert
Griffin, Mary
Ingram, Russell
Katsakiores, George
Lund, Howie
McMahon, Charles
Packard, Sherman
Rausch, James
Stiles, Nancy
Weldy, Norman

Dumaine, Dudley
Gilbert, Karl
Headd, James
Introne, Robert
Katsakiores, Phyllis
Major, Norman
Moore, Benjamin
Parker, Benjamin
Sanders, Elisabeth
Stone, Joseph
Wells, Roger

STRAFFORD

Bickford, David
Dunlap, Patricia

Campbell, W Packy
Easson, Timothy

Cataldo, Sam
Newton, Clifford

Chaplin, Duncan
Twombly, James

SULLIVAN

Donovan, Thomas
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

NAYS 178

BELKNAP

Heald, Bruce
Tobin, William

Morrison, Gail

Nedeau, Stephen

Pilliod, James

CARROLL

Buco, Thomas

Dickinson, Howard

Martin, James

Philbrick, Donald

CHESHIRE

Allen, Peter
Dunn, J Timothy
Mitchell, Bonnie
Roberts, Kris

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

Butynski, William
Espiefs, Peter
Plifka, Stanley Jr
Tilton, Anna

Dexter, Judson
Foote, Sheila
Pratt, John
Weed, Charles

COOS

Buzzell, Bernard
Morneau, Renney

Lary, Bruce
Richardson, Herbert

Mears, Edgar

Merrick, Scott

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Sokol, Hilda

Andersen, Gene
Gionet, Edmond
McLeod, Martha
Solomon, Peter

Benn, Bernard
Ham, Bonnie
Mulholland, Catherine

Bleyler, Ruth
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Campbell, David
Clemons, Jane
DeVries, Betsi
Ginsburg, Ruth
Harvey, Suzanne
Lefebvre, Roland
Messier, Irene
Pilotte, Maurice
Rowe, Robert
Sullivan, Francis

Baroody, Benjamin
Carlson, Donald
Cote, David
Emerton, Larry
Goley, Jeffrey
Jean, Claudette
Manney, Pamela
Mosesian, Lori
Renzullo, Andrew
Shaw, Barbara
Sullivan, Peter

Beaulieu, Jane
Chase, Claudia
Craig, James
Foster, Linda
Gorman, Mary
Kopka, Angeline
Martin, Mary Ellen
Pappas, Christopher
Rochette, Eric
Smith, David
Velez, Hector

Brassard, Paul
Christiansen, Lars
Daniuk, Caitlin
Garrity, Patrick
Haley, Robert
Lasky, Bette
McRae, Karen
Pepino, Leo
Rosenwald, Cindy
Souza, Kathleen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Currier, David
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hamm, Christine	Hess, David
Klose, John	Marple, Richard	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Reed, Dennis
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Asselin, Michael	Bishop, Franklin	Blanchard, MaryAnn	Cali-Pitts, Jacqueline
Casey, Kimberley	Dowling, Patricia	Flockhart, Eileen	Francoeur, Sheila
Garrity, James	Johnson, Robert	Manning, John	Moody, Marcia
Norelli, Terie	Nowe, Ronald	Pantelakos, Laura	Powers, James
Priestley, Anne	Putnam, Ed II	Robertson, Carl	Rolston, James
Serlin, Christopher	Splaine, James	Welch, David	Winchell, George
Zolla, William			

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the majority committee report was adopted.

Rep. Irwin declared a conflict of interest and did not participate.

Referred to the Committee on Finance.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Giuda moved that the House reconsider its action whereby it voted **HB 691-FN-L**, relative to the medicaid program, Ought to Pass with Amendment.

Rep. Giuda spoke against.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the motion to reconsider.

YEAS 173 NAYS 189**YEAS 173****BELKNAP**

Heald, Bruce	Morrison, Gail	Neddeau, Stephen	Pilliod, James
Rosen, Ralph			

CARROLL

Buco, Thomas	Dickinson, Howard	Martin, James
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Footte, Sheila
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard
Theberge, Robert

Lary, Bruce

Mears, Edgar

Merrick, Scott

GRAFTON

Almy, Susan
Bleyler, Ruth
Hammond, Lee
Nordgren, Sharon

Andersen, Gene
Cooney, Mary
Harding, A Laurie
Sokol, Hilda

Barker, Robert
Gionet, Edmond
McLeod, Martha
Solomon, Peter

Benn, Bernard
Ham, Bonnie
Mulholland, Catherine

HILLSBOROUGH

Allan, Nelson
Campbell, David
Clemons, Jane
DeVries, Betsi
Goley, Jeffrey
Hebert, Raymond
Lasky, Bette
Michon, Stephen
Pilotte, Maurice
Rowe, Robert
Sullivan, Francis

Baroody, Benjamin
Carlson, Donald
Cote, David
Foster, Linda
Gorman, Mary
Hirschmann, Keith
Lefebvre, Roland
Movsesian, Lori
Renzullo, Andrew
Shaw, Barbara
Sullivan, Peter

Beaulieu, Jane
Chase, Claudia
Craig, James
Garrity, Patrick
Haley, Robert
Jean, Claudette
Martin, Mary Ellen
Pappas, Christopher
Rochette, Eric
Smith, David
Velez, Hector

Brassard, Paul
Christiansen, Lars
Daniuk, Caitlin
Ginsburg, Ruth
Harvey, Suzanne
Kopka, Angeline
Messier, Irene
Pepino, Leo
Rosenwald, Cindy
Souza, Kathleen
Villeneuve, Maurice

MERRIMACK

Bouchard, Candace
Foose, Robert
Hamm, Christine
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Whiting, Herbert

Bueggemann, Donald
French, Barbara
Klose, John
Owen, Derek
Rush, Deanna
Tupper, Frank
Williams, Robert

DeJoie, John
Gile, Mary
Marple, Richard
Potter, Frances
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

DeStefano, Stephen
Greco, Vincent
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Asselin, Michael
Casey, Kimberley
Johnson, Robert
Nowe, Ronald
Putnam, Ed II
Splaine, James

Bishop, Franklin
DiFruscia, Anthony
Manning, John
Pantelakos, Laura
Robertson, Carl
Welch, David

Blanchard, MaryAnn
Dowling, Patricia
Moody, Marcia
Powers, James
Rolston, James
Winchell, George

Cali-Pitts, Jacqueline
Flockhart, Eileen
Norelli, Terie
Priestley, Anne
Serlin, Christopher
Zolla, William

STRAFFORD

Berube, Roger
Callaghan, Frank
Goodwin, Earle
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

Brown, Julie
Creteau, Irene
Heon, Richard
Keans, Sandra
Rous, Emma
Spang, Judith

Brown, Lawrence
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

Franklin, Peter
Prichard, Stephen

NAYS 189**BELKNAP**

Allen, Janet
Flanders, Donald
Tobin, William

Boyce, Laurie
Russell, David
Veazey, John

Clark, Charles
Thomas, John
Wendelboe, Fran

Fitzgerald, James
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Knox, J David
Patten, Betsey

Babson, David Jr
McConkey, Mark
Philbrick, Donald

Brown, Carolyn
Morrow, Harry
Stevens, Stanley

Chandler, Gene
Olimpio, J Lisbeth

CHESHIRE

Emerson, Susan
Richardson, Barbara

Hogancamp, Deborah
Sawyer, Sheldon

Hunt, John

Pelkey, Stephen

COOS

King, Frederick
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Eaton, Stephanie
Mirski, Paul

Giuda, Robert
Sorg, Gregory

Ingbretson, Paul
Ward, John

Maybeck, Margie

HILLSBOROUGH

Aboshar, Jeffrey
Barry, J Gail
Biundo, Michael
Calawa, Leon Jr
Christensen, D L Chris
Desmarais, Vivian
Emerton, Larry
Gibson, John
Hansen, Ryan
Hunter, Bruce
L'Heureux, Robert
McRae, Karen
O'Connell, Timothy
Ross, Lawrence
Stepanek, Stephen
Wheeler, Robert

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Carew, James
Clark, Mark
Dokmo, Cynthia
Essex, David
Golding, William
Hawkins, Ken
Infantine, William
Lawrence, James
Mead, Robert
Ober, Lynne
Ryder, Donald
Tahir, Saghir

Baines, Stephen
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Coughlin, Pamela
Drisko, Richard
Francoeur, Bea
Goyette, Peter Jr
Hinkle, Peyton
Jasper, Shawn
Lessard, Rudy
Mooney, Maureen
Price, Pamela
Schulze, Joan
Vaillancourt, Steve

Balboni, Michael
Bergin, Peter
Buhlman, David
Chabot, Robert
Crane, Elenore Casey
Elliott, Nancy
Gargas, Carolyn
Graham, John
Holden, Randolph
Kurk, Neal
Manney, Pamela
O'Brien, William
Reeves, Sandra
Slocum, Lee
Wheeler, James

MERRIMACK

Anderson, Eric
Field, William
Kidder, David
MacKay, James

Blanchard, Elizabeth
Hager, Elizabeth
L'Heureux, Stephen
Maxfield, Roy

Currier, David
Hess, David
Langlais, Thomas
Soltani, Tony

Danforth, James
Kennedy, Richard
Lockwood, Priscilla

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Charron, Gene
Dodge, Robert
Flanders, John Sr
Gilbert, Karl
Headd, James
Introne, Robert
Katsakiores, Phyllis
Major, Norman
Moore, Benjamin
Parker, Benjamin
Sanders, Elisabeth
Stone, Joseph
Wells, Roger

Allen, Mary
Cady, Harriet
Coburn, James
Dowd, John
Forsing, Robert
Gillick, Thomas
Hopfgarten, Paul
Itse, Daniel
Kobel, Rudolph
Mason, April
Morris, Richard
Quandt, Marshall Lee
Scamman, Stella
Waterhouse, Kevin
Weyler, Kenneth

Belanger, Ronald
Camm, Kevin
Cooney, Richard
Dumaine, Dudley
Francoeur, Sheila
Gould, Kenneth
Hughes, Daniel
Johnson, Rogers
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Smith, Paul
Weare, E Albert

Bettencourt, David
Carson, Sharon
Dalrymple, Janeen
Fesh, Bob
Garritty, James
Griffin, Mary
Ingram, Russell
Katsakiores, George
Lund, Howie
McMahon, Charles
Packard, Sherman
Rausch, James
Stiles, Nancy
Weldy, Norman

STRAFFORD

Bickford, David
Dunlap, Patricia

Campbell, W Packy
Easson, Timothy

Cataldo, Sam
Newton, Clifford

Chaplin, Duncan
Twombly, James

SULLIVAN

Donovan, Thomas
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

and the motion to reconsider failed.

Rep. Irwin declared a conflict of interest and did not participate.

HB 25-FN-A, making appropriations for capital improvements. OUGHT TO PASS WITH AMENDMENT

Rep. Gene G. Chandler for Public Works and Highways: This bill represents the capital budget for the next biennium. In keeping with past tradition, the Public Works and Highways Committee invited the Treasurer to appear before the committee for a status report on our bonded debt position and his recommendations in order that New Hampshire maintain its excellent credit position as it relates to capital expenses. Keeping in line with the Treasurer's recommendation to stick closely to an 80 million dollar limit in general fund obligations, the committee crafted a budget with \$80,722,177 in general fund obligations. In developing this capital budget the committee relied on a number of funding mechanisms, including: general funds; federal funds; highway funds where appropriate, use of lapsed funds and payments from other funds, such as the Mt. Washington fund; student fees; the navigation safety fund; etc. The careful use of all of these sources enabled approval of a wide variety of projects for the next biennium. Highlights of projects included in this capital budget include: 1.) All projects requested by the Adjutant General, involving Armory renovations and kitchen expansions. 2.) A number of court related renovations and repairs and numerous repair projects requested by Administrative Services. 3.) 4,565,000 dollars in critical maintenance for the Community Technical College System, plus a Library Resource Center for the Claremont branch; a Health Education and Technical Center for the Manchester branch; dining hall renovations for the Concord branch and residence hall suites for the Concord branch. 4.) The Department of Corrections will see fire and security upgrades along with a major roof repair project. 5.) The Department of Education budget provides for Regional Career and Technical Centers in Concord and Conway. 6.) Department of Environmental Services received funding for a number of projects including dam repairs, removals and reconstruction, along with funds for matching grants for Wastewater Treatment and Drinking Water programs. Funding for the Clean Lab is also included in this budget. 7.) Department of Resources and Economic Development will receive funding for Hampton Seawall repairs; additional funds for the Mt. Washington electrification project and various State Park maintenance items. 8.) The Secretary of States office will receive funds for renovations and shelving for the state archives building. 9.) The NH Veterans Home has funding included in this budget for a new roof and life safety upgrades. 10.) The NH Department of Transportation has a number of general fund items including 5% matching funds for FAA projects at various airports; public transit matching funds; railroad bridge repairs and railroad right of way acquisition funds. 11.) The University System receives 4.5 million dollars for the 06-07 biennium for engineering and design at Demerit and James Halls at the Durham Campus and language to continue the "Keep" project idea for the next 3 biennia at 35 million dollars per biennium. The first "Keep" project was started two biennium's ago and has proven very successful and the committee unanimously agreed to continue the "Keep" idea. 12.) The Departments of Transportation and Safety received approval for various maintenance items; patrol shed renovations and replacements; underground tank removals; Department of Motor Vehicle additions, etc. funded by the Highway Fund. The amendment provided for HVAC upgrades at the Supreme Court; language regarding the Hampton Seawall project funding; additional funding for the Mt. Washington electrification project and language allowing the bureau of public works to use temporary personnel to provide construction inspection services. The committee believes this is a well crafted bill that meets a number of critical capital needs for the State of New Hampshire for the next biennium. Vote 17-0.

Amendment (0883h)

Amend paragraph II, B and the total state appropriation paragraph II of section 1 of the bill by replacing them with the following:

B. Bureau of General Services.

1. State House - Rehab Representatives Hall	\$ 388,000
Less Other*	- 12,876
Net state appropriation subparagraph 1	375,124

* Source of other funds in subparagraph 1 is prior bond authorization as amended in sections 16 and 17 of this act.

2. State Library - Install Fire Suppression System	231,000
3. Legislative Office Building - Install De-Icing System	82,000
4. Monadnock Mill - Repoint Defective Masonry	119,500
5. Londergan Hall - Replace Defective Windows	440,000
6. State House and State House Annex - Repoint Granite and Front Steps	115,000
7. NH Hospital Campus - Steam Plant Plan	75,000
8. All State Owned Facilities - Emergency Repairs	100,000

Notwithstanding the provisions of RSA 228, any sums expended for emergency repairs under subparagraph 8 shall not require approval by governor and council.

9. 5 State Owned Buildings - Upgrade Energy Mgmt System	271,000
10. Supreme Court Building - HVAC	230,000
11. Data Center - Replace Computer Room Cooling Units	444,000
12. Legislative Office Building - Replace Chiller	276,000
13. State House Arch - Repoint Masonry	69,500
14. Office Park South, Roadway Design	250,000
15. M.S. Building, Renovation	9,300,000
Total state appropriation subparagraph B	\$ 12,378,124
Total state appropriation paragraph II	\$ 15,961,124

Amend paragraph IX of section 1 of the bill by replacing it with the following:

IX. Department of Resources and Economic Development.

A. Statewide Radio System	\$400,000
B. Hampton Beach Seawall Repairs	2,000,000
Less Other*	- 2,000,000
Net state appropriation subparagraph B	0

* To provide funds for the appropriation in subparagraph B for Hampton Beach seawall repairs the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Notwithstanding the use of funds under RSA 216:3, IV, payments of principal and interest on the bonds and notes shall be made from the Hampton Beach capital improvement fund established in RSA 216:3, IV.

C. Roof Repair and Replacement Statewide	150,000
D. Interior and Exterior Building Repair Statewide	150,000
E. Mount Washington Electrification	540,000
Less Mount Washington Fund*	- 300,000
Net state appropriation subparagraph E	240,000

* To provide funds for the appropriation of Mount Washington Funds made in subparagraph E the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$300,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the Mount Washington fund established in RSA 227-B:9.

Total state appropriation paragraph IX	\$ 940,000
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Amend the bill by inserting after section 22 the following and renumbering the original sections 23 and 24 to read as 25 and 26, respectively:

23 Community-Technical College System; Oversight and Reporting Required. The community-technical college system shall provide a report every 180 days to the governor and legislative capital budget overview committee on the progress of each of the capital projects funded from the sum appropriated and authorized in paragraphs III and X, C of section 1 of this act beginning Septem-

ber 30, 2005 until the funds appropriated in paragraphs III and X, C of section 1 are fully expended. Said reports shall include the method of selecting contractors, the current total project cost, funds encumbered, actual expenditures, and estimated completion date for each project.

24 Bureau of Public Works; Construction Inspection Services. The appropriations for those projects which are managed by the bureau of public works, department of transportation, may be expended to fund temporary personnel for the purpose of providing construction inspection services for those projects included in sections 1, 3, and 4 of this act.

Amend paragraph XXX of section 25 of the bill by replacing it with the following:

XXX. The appropriation made to the community-technical college system in 2003, 240:24, for student residence hall – Berlin Campus.

Amend the bill by replacing section 26 with the following:

26 Effective Date.

I. Section 25 of this act shall take effect June 30, 2005.

II. The remainder of this act shall take effect July 1, 2005.

Adopted.

Committee report adopted.

Referred to the Committee on Finance.

The House recessed at 12:15 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 1:20 p.m.

CLERK'S NOTE

The Speaker indicated that unless otherwise ordered by the House, House Bills 687 and 397 would be taken up out of order. If the committee reports on these bills were adopted, they would need referral to the Committee on Finance.

REGULAR CALENDAR – PART II

HB 687-FN, relative to tuition waivers for children and spouses of members of the armed forces who die while on active duty. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy E. Easson for Education: Our veterans have made many sacrifices to preserve our freedoms. The committee heard testimony that the state offers free tuition and a \$1,000 stipend for fees, books, room and board, etc. to students who are the survivors of a serviceman or woman who dies from a service connected disability and who attend a state college or university. The bill expands this program to include surviving children of those service members who were killed in the line of duty. The committee also heard testimony that only seven students in the state are in this program. Currently, there is a budget appropriation of \$9,000 for this program, but only \$7,000 gets used because of the \$1,000 cap. The \$1,000 cap was set in 1987 and currently, the fees of one year at the University of New Hampshire total over \$2,000. The amendment clarifies the intent of the sponsors and increases the cap to allow the post secondary commission to distribute the whole appropriation to these worthy students. Vote 13-2.

Amendment (0702h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to free tuition at New Hampshire public institutions of higher education for children of veterans who die while on active duty or from a service-connected disability.

Amend the bill by replacing all after the enacting clause with the following:

1 Scholarships for Orphans of Veterans; Purpose of Appropriations. RSA 193:19 is repealed and reenacted to read as follows:

193:19 Purpose of Appropriations. The sums appropriated under the provisions of this section shall be used for the sole purpose of contributing to the payment of board, room rent, books and supplies, at a New Hampshire public institution of higher education, for veteran's natural or adopted children between the ages of 16 and 25 years, who are legal residents of the state at the time of application, whose parent served on active duty in the armed services of the United States from December 7, 1941 to December 31, 1946; or from June 27, 1950 to January 31, 1955; or from February 28, 1961 to

May 7, 1975; or from August 2, 1990 through a final date of the Gulf War conflict to be prescribed by Presidential proclamation or law; or in any operation not otherwise covered by this section for which the armed forces expeditionary medal or a theater of operations service medal, as defined in RSA 72:29, has been awarded to the veteran, and the veteran, who was a New Hampshire resident at the time of his or her death, either died while on active duty during the service described above, or has since died from a service-connected disability so rated by the federal government. Not more than \$2,500 shall be paid under this section to any one student in any one year, provided that no individual shall be eligible to receive such benefits for a period of more than 4 years.

2 Scholarships for Orphans of Veterans; Tuition. RSA 193:20 is repealed and reenacted to read as follows:

193:20 Tuition. Children, as described in RSA 193:19, enrolled at a New Hampshire public institution of higher education shall receive free tuition.

3 Scholarships for Orphans of Veterans; Payment. Amend RSA 193:21 to read as follows:

193:21 Payment. The amounts payable to recipients shall be determined by the postsecondary education commission ~~[and shall not be in excess of the amount specified in RSA 193:22]~~. The commission shall determine the eligibility in accordance with rules adopted under RSA 541-A of the children who make application for the benefits provided for in this subdivision, provided that no member of the commission shall receive any compensation for such service.

4 Repeal. RSA 193:22, relative to fund, is repealed.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that children of veterans who die while on active duty or later die from a service-connected disability are entitled to free tuition when enrolled at a New Hampshire public institution of higher education.

The bill also increases the maximum scholarship amount a student may receive for board, books and supplies from \$1,000 to \$2,500.

Adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 397, relative to authority to file an abuse or neglect petition under the Child Protection Act. **OUGHT TO PASS**

Rep. David A. Bickford for Children and Family Law: This bill will preclude private petitions under RSA 169-C. Department of Children Youth and Family will become the sole petitioner in all cases of abuse and neglect. This bill is a consequence of the abuse of the process by individuals which has resulted in a wasteful drain of limited resources that could have been better utilized by DCYF. Vote 11-3.

Rep. Tholl spoke against and yielded to questions.

Report failed.

Rep. Tholl moved recommit.

Rep. McRae spoke in favor.

Motion adopted.

Recommitted to the Committee on Children and Family Law.

HB 567, relative to mediation in family law cases involving children. **OUGHT TO PASS**

Rep. Carolyn M. Gargas for Children and Family Law: This bill amends the current mediation statute so the courts may order mediation in disputed cases involving custody of minor children. The statute provides for reasons not to order mediation when it is not appropriate. Vote 11-4. Committee report adopted and ordered to third reading.

HB 177, relative to home improvement contracts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Quandt for Commerce: This bill establishes certain requirements for home improvement contracts, including that they be in writing and that they address the contract price, the work to be completed and estimated completion date. The bill provides that a violation of the chapter regulating home improvement contracts is prima facie evidence of a violation of the Consumer Protection Act. The bill also establishes a separate fund for civil penalties collected by the department of justice, which may be used for enforcement of the Consumer Protection Act. Vote 18-2.

Amendment (0691h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Home Improvement Contracts. Amend RSA by inserting after chapter 359-F the following new chapter:

**CHAPTER 359-G
HOME IMPROVEMENT CONTRACTS**

359-G:1 Application of Chapter. This chapter applies only to residential property, which means real property that includes a single family dwelling or an owner-occupied dwelling of not more than 4 units, as well as all fixtures to, structures on, and improvements to the real property.

359-G:2 Definitions. In this chapter:

I. "Change order" means a written amendment to the home improvement contract which becomes part of and is in conformance with the existing contract.

II. "Consumer" means the owner of the residential property.

III. "Down payment" means all payments to a home improvement contractor prior to the initiation of the work.

IV. "Home improvement" means the construction, reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, or demolition, of any residential property where the value of the home improvement or the liability of the consumer is equal to or in excess of \$5,000. "Home improvement" includes the repair, paving, or resurfacing of a residential driveway and pool or hot tub installation.

V. "Home improvement contract" means an agreement, in writing, for the performance of home improvement, including all labor, goods, and services set forth under such agreement, for the performance of home improvement.

VI. "Home improvement contractor" means any person who owns or operates a business who, personally or through others, undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid for home improvement.

VII.(a) "Home improvement contract price" means:

(1) The total fixed price for performance of the contract;

(2) The home improvement contractor's actual costs and expenses, as defined in the specifications, plus a fixed fee; or

(3) The home improvement contractor's actual costs and expenses, as defined in the specifications, plus a fixed percentage of all costs incurred over the length of the project.

(b) The home improvement contract price may include financing costs, loan consolidation amounts, taxes, and governmental fees paid by or on behalf of the consumer, amounts returned to or on behalf of the consumer, or similar costs not related to the home improvement.

VIII. "Specifications" means the plans, detailed drawings, lists of materials, stated allowances, or other methods customarily used in the home improvement industry as a whole to describe with particularity the work, workmanship, materials, and quality of materials for each home improvement.

359-G:3 Contract Requirements. No home improvement contractor shall perform a home improvement without a home improvement contract that meets the requirements of this chapter. The home improvement contractor and the consumer shall sign the home improvement contract prior to the commencement of any work under the contract. The contract shall contain, at a minimum, the following:

I. The consumer's name, telephone number, and the address of the residential property that is the subject of the home improvement.

II. The name and street address of the home improvement contractor and the number of any license or permit issued to the home improvement contractor by the electrician's board pursuant to RSA 319-C, the plumbers' licensing and regulation board pursuant to RSA 329-A, the water well board pursuant to RSA 482-B, or the department of environmental services pursuant to RSA 485-A, and any other applicable license or permit.

III. The name and telephone number of any agent to whom consumer problems and inquiries can be directed.

IV. The date the home improvement contract was submitted to the consumer and any time limitation on the consumer's acceptance of the home improvement contract.

V. A reasonably detailed description of the proposed home improvements.

VI. If the description required by paragraph V does not include the specifications for the home improvement, a statement that the specifications will be provided to the consumer be-

fore commencing any work and that the home improvement contract is subject to the consumer's separate written and dated approval of the specifications. All specifications shall meet or exceed applicable building codes or standards.

VII. The estimated date of commencement of work and the estimated date when the work will be substantially completed. The estimated date of commencement of work and the completion date may be changed if work cannot begin or end due to circumstances beyond the control of the contractor, including, but not limited to, the lack of readiness of the job site, the unavailability of building materials, or weather conditions.

VIII. A statement of any contingencies that would materially change the approximate completion date.

IX. The home improvement contract price.

X. The amount of the initial down payment, which shall be limited to no more than 1/3 of the total contract price.

XI. The schedule of payments, which may stipulate additional deposits required to initiate the ordering of materials.

XII. A change order statement which reads: "Any alteration or deviation from the contractual specifications that results in a revision of the contract price or date of commencement or completion of the work will be executed only upon the parties entering into a written change order."

XIII. A statement describing the extent of liability insurance maintained by the home improvement contractor or disclosure that the home improvement contractor does not have liability insurance.

XIV. A warranty statement which reads: "In addition to any additional warranties agreed to by the parties, the home improvement contractor warrants that the work will be free from faulty materials, constructed according to the standards of the building code applicable for this location, constructed in a skillful manner, and fit for habitation or appropriate use."

XV. A statement specifying who shall be responsible for obtaining and paying for all applicable permits.

XVI. Signature lines for the home improvement contractor or the contractor's agent and for each consumer who is to be a party to the home improvement contract with a legible printed or a typed version of that person's name placed directly after or below the signature.

359-G:4 Signature of Contractor. Before the consumer signs the home improvement contract and before the consumer may be required to make any down payment, the home improvement contractor shall have agreed unequivocally by written signature to all of the terms of the home improvement contract.

359-G:5 Consumer's Copy of Dated Contract. The home improvement contractor shall give an executed copy of the home improvement contract to the consumer within 3 days of the consumer signing it. The contract shall also show the dates the contractor and each consumer executed the contract.

359-G:6 Approval by Consumer. Any approval required by this chapter shall not be unreasonably withheld by the consumer.

359-G:7 Exemption. Parties to a home improvement contract may exempt themselves from the requirements of this chapter only if:

I. The total home improvement contract is for services totaling less than \$5,000; or

II. The consumer asserts that exigent circumstances exist. Exigent circumstances shall include, but not be limited to, severe damage to the residence, such as by fire or water, that requires immediate repair in order to mitigate further damage or make the residence habitable.

359-G:8 Violations.

I. A violation of this chapter shall constitute prima facie evidence of a violation of the consumer protection act under RSA 358A:2. Except as otherwise provided in this section, any right or remedy available under RSA 358-A, including the civil penalties under RSA 358-A:4 and the criminal penalties under RSA 358-A:6, shall apply to this chapter. The attorney general shall have the sole authority to bring an action under RSA 358-A for violations of this chapter. No person may bring a private action under RSA 358-A:10 for a violation of this chapter.

II. There is established a home improvement consumer protection fund within the office of the treasurer which shall be nonlapsing and continually appropriated to the department of justice for investigation and enforcement measures under the consumer protection act. Any civil penalties assessed under RSA 358-A:4 for violations of this chapter shall be deposited in the home improvement consumer protection fund.

III. If the home improvement contractor has committed more than one violation of this chapter within one year, the court shall consider the following factors in assessing a civil penalty:

(a) The volume of business which the home improvement contractor performs on an annual basis.

(b) The number of contracts in violation.

(c) The actual financial loss or exposure to financial loss suffered by any consumer as a result of the violations.

(d) Whether the home improvement contractor acted in good faith or knowingly with respect to such violations.

IV. Except as otherwise provided in paragraph I, nothing in this section shall impair, limit, or reduce the statutory, common law, or contractual duties or liability of any home improvement contractor.

359-G:9 Applicability. This chapter shall not exempt any home improvement contractor subject to its provisions from complying with any local ordinance with respect to the regulation of home improvement contractors, provided, however, that after January 1, 2006, no political subdivision may enact a local ordinance inconsistent with the provisions of this chapter.

2 New Subparagraph; Home Improvement Consumer Protection Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (234) the following new subparagraph:

(235) Moneys deposited in the home improvement consumer protection fund, established under RSA 359G:8.

3 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill establishes certain requirements for home improvement contracts, including that they be in writing and that they address the contract price, the work to be completed, and estimated completion date. The bill provides that a violation of the chapter regulating home improvement contracts is prima facie evidence of a violation of the consumer protection act. The bill also establishes a separate fund for civil penalties collected by the department of justice, which may be used for enforcement of the consumer protection act.

Adopted.

Committee report adopted and ordered to third reading.

HB 137-FN, relative to unemployment benefit eligibility. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R. DiFrancia for the Majority of Labor, Industrial and Rehabilitative Services: This bill provides the basic necessities to the part-time employee and his family, allows the transition to re-employment, and eliminates the need for welfare. The present eligibility unemployment benefit program is discriminatory and unfair to part-time employees and families. The original intent of unemployment benefits was to provide employees with economic security. Part-time employees, unemployed through no fault of their own, were not included in past legislation. Federal funds are available through the Reed Act to provide benefits to part-time employees. The pilot program will be able to monitor the actual benefits paid to the employee and will terminate on July 1, 2006. Vote 11-5.

Rep. William J. Infantine for Minority of Labor, Industrial and Rehabilitative Services: The original intent of the bill was to allow part time workers the ability to collect unemployment benefits. The bill was amended to include a one year pilot program paid for by Reed Act money. Reed Act funds came from the government as reimbursement for overpayments made by the states to the unemployment funds. This bill has three major problems. There is a technical flaw in the bill that both accounts for the one year pilot program plus changing the law permanently regarding part time workers. The legislature would have to change the law again next year after the completion of the pilot program to put the law back to where it is now. There is substantial disagreement regarding the cost of this program. The sponsor says the number is in the \$800,000 range and the Department of Employment Security calculates a cost of over \$10,000,000. There is also a concern that mandating the pilot program is a violation against Part I, Article 28-A unfunded mandates and a court challenge is most certain. The minority of the committee feels that the majority was concentrating on providing some kind of unemployment benefits and was willing to overlook the issues stated above. House Bill 170, which passed the committee unanimously, does provide unemployment benefits for a significant part of the part time work force that has child care obligations. This is permanent legislation with well defined and non-disputed financial costs.

Majority Amendment (0242h)

Amend the bill by replacing all after section 1 with the following:

New Paragraph; Unemployment Compensation Eligibility; Part-Time Work. Amend RSA 282A:31 by inserting after paragraph I the following new paragraph:

I-a. An unemployed individual shall not be disqualified for eligibility for unemployment compensation benefits solely on the basis that he or she is only available for part-time work. If an individual restricts his or her availability to part-time work, he or she may be considered to be able to work and available for work pursuant to subparagraph I(d) if it is determined that all of the following conditions exist:

(a) The claim is based on the part-time employment.

(b) The claimant is actively seeking and is willing to accept work under essentially the same conditions as existed while the wage credits were accrued.

(c) The claimant imposes no other restrictions and is in a labor market in which a reasonable demand exists for the part-time services he or she offers.

3 Unemployment Benefit Eligibility. Amend RSA 282-A:31, I(d) to read as follows:

(d) He or she is available for and seeking permanent *full-time* work for which he or she is qualified.

4 Repeal. RSA 282-A:31, I-a, relative to unemployment compensation benefits for part-time workers, is repealed.

5 Appropriation of Federal Funds; Department of Employment Security. There is hereby appropriated out of federal funds made available to this state under section 903(d) of the Social Security Act, 42 U.S.C. section 1103(d), as amended, transferred to the state on March 13, 2002, the sum of \$10,033,920, or so much thereof as may be necessary, to be used, under the direction of the New Hampshire department of employment security for the purpose of providing unemployment compensation benefits to claimants who are seeking part-time work under RSA 282-A:31, I-a. Expenditures may include providing funds for benefit payments, additional personnel, and administrative costs and other purposes that are in accordance with any uses authorized by the United States Congress, now or in the future. Such funds shall exclusively be used for expenses authorized under section 903(d) of the Social Security Act, 42 U.S.C. section 1103(d) as amended.

6 Report. On or before August 1, 2006, the commissioner of employment security shall provide to the general court a report detailing the overall financial cost, additional state personnel utilized, and the number of claimants served as a result of RSA 282-A:31, I-a.

7 Effective Date.

I. Sections 3 and 4 of this act shall take effect July 1, 2006.

II. The remainder of this act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill:

I. Deletes, for a one-year period, the requirement that an individual seek full-time employment to qualify for unemployment compensation benefits.

II. Authorizes the department of employment security to expend federal funds for part-time unemployment compensation benefits.

III. Requires the commissioner of employment security to report to the general court.

On a division vote, 170 members having voted in the affirmative and 173 in the negative, the majority amendment failed.

The question now being adoption of the motion of Ought To Pass.

Reps. O'Neil and Rausch spoke against.

Rep. DiFruscia spoke in favor.

Rep. Infantine spoke against and yielded to questions.

Reps. Bishop and Gorman spoke in favor and yielded to questions.

Rep. Bishop requested a roll call; sufficiently seconded.

The question being adoption of the motion of Ought To Pass.

YEAS 167 NAYS 198

YEAS 167

BELKNAP

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter
Eaton, Daniel
Pratt, John
Tilton, Anna

Butcher, Suzanne
Espiefs, Peter
Richardson, Barbara
Weed, Charles

Butynski, William
Parkhurst, Henry
Roberts, Kris

Dunn, J Timothy
Plifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard
Richardson, Herbert

Lary, Bruce
Theberge, Robert

Mears, Edgar

Merrick, Scott

GRAFTON

Almy, Susan
Hammond, Lee
Naro, Debra

Andersen, Gene
Harding, A Laurie
Nordgren, Sharon

Benn, Bernard
McLeod, Martha
Sokol, Hilda

Cooney, Mary
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Aboshar, Jeffrey
Campbell, David
Cote, David
Desmarais, Vivian
Foster, Linda
Gorman, Mary
Irwin, Anne-Marie
Lefebvre, Roland
Michon, Stephen
Pilotte, Maurice
Schulze, Joan
Sullivan, Francis
Velez, Hector

Baroody, Benjamin
Chabot, Robert
Craig, James
DeVries, Betsi
Garrity, Patrick
Haley, Robert
Jean, Claudette
Martin, Mary Ellen
Mooney, Maureen
Renzullo, Andrew
Shaw, Barbara
Sullivan, Peter

Beaulieu, Jane
Chase, Claudia
Crane, Elenore Casey
Emerton, Larry
Ginsburg, Ruth
Harvey, Suzanne
Kopka, Angeline
Matarazzo, Anthony Sr
Movsesian, Lori
Rochette, Eric
Shaw, Kimberly
Tahir, Saghir

Brassard, Paul
Clemons, Jane
Daniuk, Caitlin
Essex, David
Goley, Jeffrey
Holden, Randolph
Lasky, Bette
Messier, Irene
Pappas, Christopher
Rosenwald, Cindy
Smith, David
Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth
DeStefano, Stephen
Greco, Vincent
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Whiting, Herbert

Bouchard, Candace
Foose, Robert
Hamm, Christine
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Williams, Robert

Brueggemann, Donald
French, Barbara
Kennedy, Richard
Owen, Derek
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

DeJoie, John
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Flockhart, Eileen
Norelli, Terie
Serlin, Christopher

Asselin, Michael
Casey, Kimberley
Forsing, Robert
Nowe, Ronald
Splaine, James

Bishop, Franklin
DiFruscia, Anthony
McKinney, Betsy
Pantelakos, Laura
Weldy, Norman

Blanchard, MaryAnn
Flanders, John Sr
Moody, Marcia
Powers, James
Wiley, Robert

STRAFFORD

Berube, Roger
Brown, Lawrence
Domingo, Baldwin
Heon, Richard
Keans, Sandra
Rous, Emma
Spang, Judith

Bickford, David
Callaghan, Frank
Dunlap, Patricia
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Jennifer
Cilley, Jacalyn
Goodwin, Earle
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Grassie, Anne
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

NAYS 198**BELKNAP**

Allen, Janet
Flanders, Donald
Rosen, Ralph
Tobin, William

Boyce, Laurie
Heald, Bruce
Russell, David
Veazey, John

Clark, Charles
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Fitzgerald, James
Pilliod, James
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry
Stevens, Stanley

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Philbrick, Donald

CHESHIRE

Dexter, Judson
Hunt, John

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

COOS

King, Frederick
Tholl, John Jr

Morneau, Renney

Remick, William

Stohl, Eric

GRAFTON

Barker, Robert
Giuda, Robert
Sorg, Gregory

Bleyler, Ruth
Ingbreton, Paul
Ward, John

Eaton, Stephanie
Maybeck, Margie

Gionet, Edmond
Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Barry, J Gail
Biundo, Michael
Calawa, Leon Jr
Christensen, D L Chris
Dokmo, Cynthia
Gargas, Carolyn
Graham, John
Hinkle, Peyton
Jasper, Shawn
Lessard, Rudy
O'Brien, William
Price, Pamela
Ryder, Donald
Stepanek, Stephen

Allan, Nelson
Batula, Peter
Boehm, Ralph
Carew, James
Christiansen, Lars
Drisko, Richard
Gibson, John
Hansen, Ryan
Hirschmann, Keith
Kurk, Neal
Manney, Pamela
O'Connell, Timothy
Reeves, Sandra
Scanlon, Michael
Villeneuve, Maurice

Baines, Stephen
Bergeron, Jean-Guy
Brundige, Robert
Carlson, Donald
Clark, Mark
Elliott, Nancy
Golding, William
Hawkins, Ken
Hunter, Bruce
L'Heureux, Robert
McRae, Karen
Ober, Lynne
Ross, Lawrence
Slocum, Lee
Wheeler, James

Balboni, Michael
Bergin, Peter
Buhlman, David
Carter, Mark
Coughlin, Pamela
Francoeur, Bea
Goyette, Peter Jr
Hebert, Raymond
Infantine, William
Lawrence, James
Mead, Robert
Pepino, Leo
Rowe, Robert
Souza, Kathleen
Wheeler, Robert

MERRIMACK

Anderson, Eric
Hager, Elizabeth
Langlais, Thomas
Reed, Dennis

Currier, David
Hess, David
MacKay, James
Soltani, Tony

Danforth, James
Kidder, David
Marple, Richard

Field, William
Klose, John
Maxfield, Roy

ROCKINGHAM

Allen, Mary
Cady, Harriet

Belanger, Ronald
Camm, Kevin

Bettencourt, David
Carson, Sharon

Buxton, Donald
Charron, Gene

Coburn, James	Cooney, Richard	Dalrymple, Janeen	Dodge, Robert
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Lund, Howie
Major, Norman	Manning, John	Mason, April	McMahon, Charles
Morris, Richard	O'Neil, Michael	Packard, Sherman	Parker, Benjamin
Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Smith, Paul	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Wells, Roger
Weyler, Kenneth	Winchell, George	Zolla, William	

STRAFFORD

Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Newton, Clifford	Twombly, James		

SULLIVAN

Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
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and the motion of Ought to Pass failed.

Rep. O'Neil moved Inexpedient to Legislate.

On a division vote, 205 members having voted in the affirmative and 160 in the negative, the motion of Inexpedient to Legislate was adopted.

HB 611-FN, relative to small group insurers. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: As amended, HB 611-FN establishes a small group re-insurance mechanism; creates a composite band of case characteristics used to establish premiums; removes health underwriting and geography from the composite band; sets a limit of 4:1 variability on premium rates, and establishes a 15% cap on premium rate increase, excluding trend. Additionally, the amendment extends the responsibility of the SB 110 oversight committee to monitoring the effects of small group health insurance reform. Vote 20-0.

Amendment (0917h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Small Group Reinsurance Mechanism. Amend RSA by inserting after chapter 404-H the following new chapter:

CHAPTER 404-I**SMALL GROUP REINSURANCE MECHANISM****404-I:1 Purpose.****I. The purpose of this chapter is to:**

(a) Create a nonprofit organization to facilitate the availability of affordable small group health insurance for high risk small groups by establishing a mandatory assessment and reinsurance mechanism to distribute the risks within the small group market.

(b) Protect the citizens of this state who participate in the small group health insurance market by providing a mechanism to enable insurers to better protect against the excessive risk associated with covering high risk groups and individuals within those groups.

II. It is the intent of the general court that the small group reinsurance mechanism shall be adequately funded through an annual, and if necessary, a special assessment mechanism, and that the reinsurance mechanism shall utilize cost containment measures.

404-I:2 Definitions. In this chapter:

I. "Assessment" means the liability of the member insurer to the reinsurance association.

II. "Association" means the reinsurance association.

III. "Commissioner" means the insurance commissioner.

IV. "Covered lives" shall include all persons who are covered under a health insurance policy or certificate issued or delivered to a small employer in New Hampshire.

V. "Health insurance" means health insurance coverage issued in accordance with RSA 415, RSA 420-A, or RSA 420-B. For the purposes of this chapter, health insurance shall not include accident only, credit, dental, vision, Medicare supplement, Medicare Risk, Medicare Advantage, Managed Medicaid, long-term care, disability income, coverage issued as a supplement to a liability insurance, workers' compensation or similar insurance, automobile medical payment insurance, policies or certificates of specified disease, hospital confinement indemnity, limited benefit health insurance or short-term, nonrenewable individual health insurance, coverage provided through the New Hampshire healthy kids association, and coverage provided through the federal Employees' Program. "Health insurance" shall include group excess loss insurance.

VI. "Mechanism" means the New Hampshire small group reinsurance mechanism.

VII. "Member insurer" means a small group health insurance carrier that is licensed in New Hampshire pursuant to RSA 402, RSA 420-A, or RSA 420-B.

VIII. "Plan of operation" means the plan of operation of the small group reinsurance mechanism, including articles, bylaws and operating rules, procedures and policies adopted by the association.

IX. "Reinsurance association" means the entity created within this chapter.

X. "Small employer" means "small employer" as defined in RSA 420-G:2, XVI.

XI. "Small group health insurance carrier" means any entity licensed pursuant to RSA 402, RSA 420-A, or RSA 420-B that issues or maintains in force policies of health insurance to small employers in New Hampshire.

404-I:3 Reinsurance Association's Powers and Duties.

I. The association shall be a not-for-profit, voluntary corporation under RSA 292 and shall possess all general powers as derive from that status and such additional powers and duties as are approved by the commissioner or as specified below.

II. The board of directors of the association shall have the following powers:

- (a) Enter into contracts as necessary or proper to administer the plan of operation.
- (b) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessments for, on behalf of, or against members of the association or other participating person.
- (c) Take legal action as necessary to avoid the payment of improper claims against the plan.
- (d) Retain appropriate legal, actuarial, and other persons as necessary to provide technical assistance in the operation of the plan, and in any other function within the authority of the plan.
- (e) Borrow money to carry out the plan of operation.
- (f) Issue policies of reinsurance.
- (g) Assess small group health insurance carriers.
- (h) Apply for and accept funds from any third-party.
- (i) Perform any other function within the authority of the association as may be necessary or proper to carry out the plan of operation.

III. The board of directors of the association shall have the following duties:

- (a) Fulfill the plan of operation as approved by the commissioner.
- (b) Develop and issue policies of reinsurance.
- (c) Determine and collect assessments for the reinsurance mechanism.
- (d) Administer reinsurance policies, including premium collection and claims payments.
- (e) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas and any other actuarial functions appropriate to the plan of operation for the reinsurance mechanism.

(f) Provide for and employ cost-containment measures and requirements, which shall include but not be limited to, conducting medical audits on reinsurance submissions.

404-I:4 Reinsurance Association Membership and Governance.

I. The association shall be composed of all small group health insurance carriers licensed in the state of New Hampshire.

II. The initial board of directors of the association shall be appointed by the commissioner, and shall include 10 members, including the commissioner, or his or her designee, who shall serve as an ex officio member of the board. In the initial and in each successor board, 5 directors shall be representative of small group health insurance carriers, one director shall be representative of the health care provider community and shall be appointed by the commissioner, one director shall be representative of consumers covered through the reinsurance mechanism and shall be appointed by the commissioner, one director shall be a representative of insurance brokers and shall be appointed by the commissioner, and one director shall be a representative of small employers and shall be appointed by the commissioner. The commissioner shall serve in an ex officio capacity.

III. There shall be no more than one director representing any one small group health insurance carrier or its affiliate. For purposes of this section, the insurance activities of any elected director's affiliate shall be deemed to be insurance activities of the elected director.

IV. In the successor board, the 5 directors representing small group health insurance carriers shall be elected annually. Small group health insurance carriers shall be entitled to vote. A small group health insurance carrier's votes for small group market representatives shall be proportional to the small group health insurance carrier's assessment in that market, and shall be based on that member's covered lives.

V. Members of the board of directors shall be elected to terms of one year.

VI. The board of directors shall take action by affirmative vote representing a simple majority of the entire board.

VII. The board shall elect officers in accordance with the bylaws of the association. The bylaws of the association shall also govern the place and frequency of meetings of directors and their reimbursement for expenses incurred.

404-I:5 Plan of Operation for the Reinsurance Mechanism.

I. The board of directors for the reinsurance association shall adopt a plan of operation for the reinsurance mechanism. The reinsurance mechanism shall be funded in part through an assessment mechanism whereby small group health insurance carriers contribute an amount sufficient to cover the expenses and losses of the mechanism.

II. The plan of operation for the reinsurance mechanism shall establish:

- (a) Procedures for selecting a third-party administrator and setting forth the powers and duties of the third-party administrator;
- (b) Procedures for selecting and retaining an administrator;
- (c) Procedures to create a fund, under management of the board, for administrative expenses;
- (d) Procedures for small group health insurance carriers to submit their claims for reinsurance;
- (e) Guidelines for conducting audits of carrier's administration of claims for individuals ceded to the reinsurance mechanism;
- (f) Procedures for collecting assessments from member carriers;
- (g) Procedures for handling, accounting and auditing of assets, moneys, and claims of the mechanism;
- (h) Requirements for keeping financial and other records;
- (i) Guidelines for termination of reinsurance coverage at the option of the ceding carrier;
- (j) Regular times and places for meetings of the board;
- (k) A methodology for applying the reinsurance provisions in the case of carriers that pay or reimburse health care providers through capitation or salary; and
- (l) Such other administrative provisions as are necessary or proper for the execution of the powers and duties of the association.

404-I:6 Assessment.

I. The assessment for the reinsurance mechanism shall be based on the number of covered lives under health insurance policies issued to small employers times a specified assessment rate. The association shall specify the basis used to set the assessment rate.

II. The association shall establish a regular assessment rate which shall be:

- (a) Calculated on a calendar year basis;
 - (b) Established no later than November 1 in the year preceding the calendar year for which the carrier's experience shall be used to calculate the assessment; and
 - (c) Anticipated to be sufficient to meet the reinsurance mechanism's funding needs.
- III. In addition to the regular assessment rate, the association may establish a special assessment rate. Notwithstanding RSA 420-G:4, a small group health insurance carrier may increase the premiums charged by the amount of the special assessment. Any such premium increase shall be subject to the approval of the commissioner. Any assessment may appear as a separate line item on a policyholder's bill.

(a) The association shall only establish a special assessment if the association determines that its funds are or will become insufficient to pay the reinsurance mechanism's expenses in a timely manner.

(b) The association shall only assess, through the special assessment, at a rate necessary to fund the deficiency ascertained in subparagraph (a).

IV. The regular assessment rate, and any special assessment rate, shall be subject to the approval of the commissioner. The commissioner shall approve the rate if she or he finds that the

amount is required to fulfill the purposes of the reinsurance mechanism. For the purpose of making this determination, the commissioner may, at the expense of the association, seek independent actuarial certification of the need for the proposed rate.

V. The association shall impose and collect assessments from its members.

VI. If the assessment exceeds the amount actually needed, the excess shall be held and invested and, with the earnings and interest thereon, be used to offset future net losses.

VII. Each covered life should be included in the assessment only once. The association shall adopt procedures by which affiliated carriers calculate their assessment on an aggregate basis and procedures to ensure that no covered life is counted more than once.

VIII. The initial assessment rate to fund the reinsurance mechanism shall be \$1 per covered life per month, and shall apply to all health insurance policies issued to small employers that are in force on or after July 1, 2005.

404-I:7 Reinsurance Mechanism.

I. There is hereby created the New Hampshire reinsurance mechanism. This reinsurance mechanism shall be operated by and subject to the control of the association and shall provide reimbursement on an as-incurred basis for risks ceded to the reinsurance mechanism on or after January 1, 2006.

II. The reinsurance mechanism shall be funded by premiums charged for reinsurance and by assessments which the association shall calculate based on the number of covered lives times a specified amount. The reinsurance mechanism shall not be funded with state general fund revenue. The reinsurance mechanism shall never cease providing reinsurance for claims incurred by ceded risks.

404-I:8 Reinsurance Mechanism Administrator.

I. The board shall select an administrator through a competitive bidding process to administer the mechanism. The board shall evaluate bids submitted based on criteria established by the board which shall include:

- (a) The efficiency and timeliness of the administrative procedures;
- (b) An estimate of total charges for administering the mechanism;
- (c) The reinsurance mechanism administrator's ability to apply effective cost containment programs and procedures and to administer the mechanism in a cost efficient manner; and
- (d) The financial condition and stability of the reinsurance mechanism administrator.

II.(a) The reinsurance mechanism administrator shall serve for a period of at least 3 years and shall be subject to removal for cause; and

(b) At least one year prior to the expiration of each period of service by a reinsurance mechanism administrator, the association shall invite entities, including the current reinsurance mechanism administrator, to submit bids to serve as the reinsurance mechanism administrator. Selection of the reinsurance mechanism administrator for the succeeding period shall be made at least 6 months prior to the end of the current period.

III. The reinsurance mechanism administrator shall perform such functions relating to the plan as may be as assigned to such administrator.

IV. The reinsurance mechanism administrator shall submit regular reports to the association and the commissioner regarding the operation of the reinsurance mechanism. The frequency, content, and form of the report shall be specified in the contract between the association and the reinsurance mechanism administrator.

V. Following the close of each calendar year, the reinsurance mechanism administrator shall determine the expense of administration and the paid and incurred losses for the year, and shall report this information to the association and the commissioner on a form prescribed by the commissioner.

VI. The reinsurance mechanism administrator shall be paid as provided in the contract between the association and the reinsurance mechanism administrator.

VII. The association shall submit the contract between itself and the reinsurance mechanism administrator to the commissioner for approval.

VIII. The association may select more than one administrator for the reinsurance mechanism.

404-I:9 Eligibility.

I. A small group health insurance carrier may reinsure with the mechanism as provided for in paragraphs II and III.

II. A small group health insurance carrier may reinsure an employee or dependent of a small employer within a period of 60 days following the small employer's health insurance policy issue

or renewal date. A new employee or dependent of a small employer may be reinsured within 60 days of the individual's effective date of coverage. After the date of issue of a small employer health insurance policy or after the effective date of coverage for a new employee or dependent of a small employer, a small group health insurance carrier may require completion of a health statement for the purpose of determining whether to reinsure an employee or dependent.

III. A small group health insurance carrier may terminate reinsurance with the mechanism for one or more of the reinsured employees or dependents of a small employer:

(a) On the anniversary date of the health insurance policy; or

(b) On the date the employee's or dependent's coverage under the health insurance policy terminates.

404-I:10 Reinsurance Premiums.

I. The board, as part of the plan of operation, shall establish a methodology for determining premium rates to be charged by the mechanism for reinsuring employees or dependents of small employer groups.

(a) The methodology shall include a system for classification of small employers that reflects rating factors that are commonly used by small group health insurance carriers in the state. The methodology shall provide for the development of reinsurance premium rates that shall be multiplied by rating factors to determine the premium rates for the mechanism. The reinsurance premium rates and the method by which the rating factors are applied shall be established by the board, subject to the approval of the commissioner, and shall be set at levels that reasonably approximate gross premiums charged to small employers by small group health insurance carriers.

(b) The premium for the reinsurance mechanism shall allow a carrier to cede an employee or dependent at a rate that is 5 times the group's per member per month premium rate established pursuant to subparagraph (a).

(c) The board periodically shall review the methodology established under subparagraph (a), including the system of classification and any rating factors, to assure that it reasonably fulfills the purposes of this chapter. The board may propose changes to the methodology that shall be subject to the approval of the commissioner.

(d) The board may consider adjustments to the premium rates charged by the mechanism to reflect the use of effective cost containment and managed care arrangements.

II. Premium rates charged for reinsurance by the mechanism to a health maintenance organization that is federally qualified under 42 U.S.C. section 300c(c)(2)(A), and as such is subject to requirements that limit the amount of risk that may be ceded to the mechanism that is more restrictive than those specified in subparagraphs (c) and (d), shall be reduced to reflect that portion of the risk above the amount set forth in subparagraphs (c) and (d) that may not be ceded to the mechanism, if any.

404-I:11 Conditions of Reinsurance Coverage.

I. A small group health insurance carrier that cedes a risk shall apply all managed care and claims handling techniques, including utilization review, individual case management, preferred provider provisions, and other managed care provisions or other methods of operation consistently with respect to reinsured and nonreinsured business.

II. The mechanism shall reimburse a small group health insurance carrier with respect to the claims of a reinsured employee or dependent starting with the first dollar of the carrier's liability under its policy. The mechanism and the small group health insurance carrier shall participate in a cost-sharing arrangement whereby the carrier shall pay 20 percent of the portion of the claims of the reinsured employee that it is responsible for under its policy of insurance, up to a threshold of \$50,000, at which point the reinsurance mechanism shall pay 100 percent of the claims that the carrier is responsible for until a maximum of \$1,000,000 is reached on a calendar year basis.

III. On an annual basis, the board shall review the maximum limit to be retained by the carrier to reflect increases in costs and utilization within the small group market in New Hampshire. The adjustment shall not be less than the annual change in the medical component of the "Consumer Price Index for All Urban Consumers" of the Department of Labor, Bureau of Labor Statistics, unless the board proposes and the commissioner approves a lower adjustment factor.

IV. Any small group health insurance carrier that cedes a risk to the reinsurance mechanism shall make its books and records available for audit at the request of the reinsurance mechanism.

404-I:12 Commissioner's Powers and Duties. In addition to duties and powers enumerated elsewhere in this chapter:

I. The commissioner shall upon request of the board of directors, serve a demand upon the member insurer to pay an assessment within a reasonable time. The failure of the member insurer to promptly comply with such demand shall not excuse the association from the performance of its powers and duties under this chapter.

II. The commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer that fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a forfeiture on any member insurer which fails to pay an assessment when due. Such forfeiture shall not exceed 5 percent of the unpaid assessment per month, but no forfeiture shall be less than \$100 per month. Any amounts so collected shall be credited to the assessment fund administered by the association.

III. Any action of the board of directors or the association may be appealed to the commissioner by any member insurer if the appeal is taken within 30 days of the final action being appealed. If a member company is appealing an assessment, the amount assessed shall be paid to the association and available to meet association obligations during the pendency of an appeal. If the appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member company from available funds of the association. Any final action or order of the commissioner shall be subject to judicial review, pursuant to RSA 541.

IV. The commissioner may adopt rules, pursuant to RSA 541-A, as necessary to carry out the purposes of this chapter.

V. The powers of the commissioner enumerated in this chapter shall be in addition to those established under RSA 404-C.

404-I:13 Examination and Annual Report. The reinsurance mechanism shall be subject to examination by the commissioner. The board of directors shall submit to the commissioner each year, not later than 120 days after the association's fiscal year, a financial report in a form approved by the commissioner and a report of its activities during the proceeding fiscal year. The report shall summarize the activities of the reinsurance mechanism in the preceding calendar year, including the net written and earned premiums, enrollment, the expense of administration, and the paid and incurred losses. The association's fiscal year shall be the calendar year.

404-I:14 Tax Exemption. The reinsurance mechanism shall be exempt from payment of all fees and all taxes levied by this state or any of its political subdivisions.

404-I:15 Immunity for Members and Employees. There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer or its agents or employees, the association or its agents or employees, members of the board of directors, or the commissioner or the commissioner's representatives, for any action or omission by them in the performance of their powers and duties under this chapter, unless such act or omission constitutes willful or wanton misconduct.

404-I:16 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

2 New Paragraph; Small Group Health Insurance; Definition Added. Amend RSA 420-G:2 by inserting after paragraph I the following new paragraph:

I-a. "Case characteristics" means industry, age, gender, group size, participation, and the level of employer contribution of a small employer group that are considered by the carrier in the determination of premium rates for the small employer.

3 Small Group Health Insurance; Case Characteristics. RSA 420-G:4, I(e) is repealed and reenacted to read as follows:

(e) In establishing the premium charged, health carriers providing coverage to small employers shall calculate a rate that is derived from the health coverage plan rate through the consideration of case characteristics that the carrier chooses to utilize.

(1) The premium rates charged for a health benefit plan to small employers shall not vary from the health coverage plan rate, by more than 60 percent (4:1). An insurer may consider all case characteristics of a small group in setting the premium rate for that group.

(2) Upon the renewal of a small employer policy, a carrier is prohibited from increasing the group's per member per month premium rate by more than 15 percent of the rate that was charged in the preceding year. Such rate increase limitation shall not include any premium rate increase that is based on a carrier's annual cost and utilization.

(3) For a group of one, an insurer may increase the premium 10 percent above the premium calculated in subparagraph (1).

4 Legislative Oversight Committee. Amend RSA 420-G:14-c, I to read as follows:

I. There is hereby established a joint legislative oversight committee on small group health insurance reform. The committee shall review the reports filed by the commissioner pursuant to RSA 420-G:14-a, monitor the small group health insurance market in the state, and monitor the ~~[effect of SB 110 of the 2003 legislative session]~~ *effects of small group health insurance reform*. The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include 3 members of the house, appointed by the speaker of the house and 2 senators, appointed by the president of the senate.

5 Effective Date.

I. Sections 2 and 3 of this act shall take effect January 1, 2006.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Establishes a mandatory assessment reinsurance mechanism for small group insurance.

II. Clarifies the use of case characteristics which may be used for calculating premium rates for small group health insurance.

Rep. Hunt inquired if the amendment was divisible and asked that Section 1 be divided from the remainder of the amendment.

The Speaker ruled the amendment was divisible and so ordered.

The question being adoption of Section 1 of the committee amendment.

Rep. Hunt spoke against and yielded to questions.

Reps. DeStefano and Sheila Francoeur spoke in favor.

Rep. Whalley spoke against and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Mirski moved that *HB 611*, relative to small group insurers be laid on the table.

Rep. Sheila Francoeur requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay HB 611 on the table.

YEAS 139 NAYS 225

YEAS 139

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Chandler, Gene	Dickinson, Howard	McConkey, Mark	Morrow, Harry
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CHESHIRE

Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Roberts, Kris	Sawyer, Sheldon		

COOS

Morneau, Renney

GRAFTON

Barker, Robert	Eaton, Stephanie	Ham, Bonnie	Ingbreton, Paul
Maybeck, Margie	Mirski, Paul	Sorg, Gregory	

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Boehm, Ralph	Brundige, Robert
Calawa, Leon Jr	Carew, James	Carlson, Donald	Chabot, Robert

Christensen, D L Chris
Crane, Elenore Casey
Francoeur, Bea
Graham, John
Hirschmann, Keith
Lefebvre, Roland
Mead, Robert
Rowe, Robert
Stepanek, Stephen
Wheeler, James

Christiansen, Lars
Desmarais, Vivian
Gibson, John
Hansen, Ryan
Hunter, Bruce
Lessard, Rudy
Mooney, Maureen
Scanlon, Michael
Tahir, Saghir
Wheeler, Robert

Clark, Mark
Drisko, Richard
Golding, William
Hawkins, Ken
Kurk, Neal
Manney, Pamela
Renzullo, Andrew
Slocum, Lee
Vaillancourt, Steve

Coughlin, Pamela
Elliott, Nancy
Goyette, Peter Jr
Hinkle, Peyton
Lawrence, James
McRae, Karen
Ross, Lawrence
Souza, Kathleen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Klose, John
Whiting, Herbert

Blanchard, Elizabeth
Langlais, Thomas

Field, William
Marple, Richard

Kennedy, Richard
Reed, Dennis

ROCKINGHAM

Allen, Mary
Cady, Harriet
Dalrymple, Janeen
Forsing, Robert
Ingram, Russell
Johnson, Rogers
Lund, Howie
McMahon, Charles
Sanders, Elisabeth
Weldy, Norman

Bettencourt, David
Camm, Kevin
DiFruscia, Anthony
Garritty, James
Introne, Robert
Katsakiores, George
Major, Norman
Morris, Richard
Smith, Paul
Wells, Roger

Bishop, Franklin
Carson, Sharon
Dodge, Robert
Hopfgarten, Paul
Itse, Daniel
Katsakiores, Phyllis
Manning, John
Nowe, Ronald
Waterhouse, Kevin
Wiley, Robert

Buxton, Donald
Coburn, James
Fesh, Bob
Hughes, Daniel
Johnson, Robert
Kobel, Rudolph
McKinney, Betsy
Parker, Benjamin
Welch, David

STRAFFORD

Campbell, W Packy
Keans, Sandra

Cataldo, Sam
Newton, Clifford

Chaplin, Duncan
Twombly, James

Easson, Timothy

SULLIVAN

Irish, Christopher

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BELKNAP

Fitzgerald, James

Morrison, Gail

Ahlgren, Christopher
Knox, J David
Philbrick, Donald

Babson, David Jr
Martin, James
Stevens, Stanley

Brown, Carolyn
Olimpio, J Lisbeth

Buco, Thomas
Patten, Betsey

CHESHIRE

Allen, Peter
Eaton, Daniel
Pelkey, Stephen
Robertson, Timothy

Butcher, Suzanne
Espiefs, Peter
Plifka, Stanley Jr
Tilton, Anna

Butynski, William
Foote, Sheila
Pratt, John
Weed, Charles

Dunn, J Timothy
Parkhurst, Henry
Richardson, Barbara

COOS

Buzzell, Bernard
Merrick, Scott
Theberge, Robert

King, Frederick
Remick, William
Tholl, John Jr

Lary, Bruce
Richardson, Herbert

Mears, Edgar
Stohl, Eric

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Sokol, Hilda

Andersen, Gene
Gionet, Edmond
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Hammond, Lee
Naro, Debra
Ward, John

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson	Baines, Stephen	Baroody, Benjamin	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Buhlman, David	Campbell, David
Carter, Mark	Chase, Claudia	Clemons, Jane	Cote, David
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Emerton, Larry	Essex, David	Foster, Linda	Gargas, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Harvey, Suzanne	Hebert, Raymond	Holden, Randolph
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Kopka, Angeline	L'Heureux, Robert	Lasky, Bette	Martin, Mary Ellen
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Rochette, Eric	Rosenwald, Cindy	Ryder, Donald	Schulze, Joan
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Velez, Hector		

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Currier, David	Danforth, James
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Hess, David	Kidder, David	Lockwood, Priscilla	MackKay, James
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Blanchard, MaryAnn
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Cooney, Richard
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Langley, Jane	Mason, April	Moody, Marcia	Norelli, Terie
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Powers, James
Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Rolston, James	Scamman, Stella
Serlin, Christopher	Splaine, James	Stiles, Nancy	Stone, Joseph
Weare, E Albert	Weyler, Kenneth	Winchell, George	Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Osgood, Philip Sr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly

and the motion to lay HB 611 on the table failed.

The question now being adoption of Section 1 of the committee amendment.

Rep. Sheila Francoeur requested a roll call; sufficiently seconded.

YEAS 257 NAYS 107**YEAS 257****BELKNAP**

Fitzgerald, James
Thomas, John

Flanders, Donald
Tilton, Franklin

Morrison, Gail
Tobin, William

Russell, David

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Patten, Betsey

Babson, David Jr
Martin, James
Philbrick, Donald

Brown, Carolyn
Merrow, Harry
Stevens, Stanley

Buco, Thomas
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Eaton, Daniel
Plifka, Stanley Jr
Sawyer, Sheldon

Butcher, Suzanne
Espiefs, Peter
Pratt, John
Tilton, Anna

Butynski, William
Foote, Sheila
Richardson, Barbara
Weed, Charles

Dunn, J Timothy
Parkhurst, Henry
Robertson, Timothy

COOS

Buzzell, Bernard
Merrick, Scott
Theberge, Robert

King, Frederick
Remick, William
Tholl, John Jr

Lary, Bruce
Richardson, Herbert

Mears, Edgar
Stohl, Eric

GRAFTON

Almy, Susan
Bleyler, Ruth
McLeod, Martha
Sokol, Hilda

Andersen, Gene
Cooney, Mary
Mulholland, Catherine
Solomon, Peter

Barker, Robert
Hammond, Lee
Naro, Debra
Ward, John

Benn, Bernard
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Baines, Stephen
Brassard, Paul
Carter, Mark
Craig, James
Dokmo, Cynthia
Gargas, Carolyn
Goley, Jeffrey
Hansen, Ryan
Hunter, Bruce
Jean, Claudette
Lefebvre, Roland
Michon, Stephen
Ober, Lynne
Price, Pamela
Ross, Lawrence
Shaw, Barbara
Sullivan, Peter

Baroody, Benjamin
Brundige, Robert
Chase, Claudia
Daniuk, Caitlin
Emerton, Larry
Garity, Patrick
Gorman, Mary
Harvey, Suzanne
Infantine, William
Kopka, Angeline
Martin, Mary Ellen
Mooney, Maureen
Pappas, Christopher
Reeves, Sandra
Ryder, Donald
Shaw, Kimberly
Tahir, Saghir

Beaulieu, Jane
Buhlman, David
Clemons, Jane
Desmarais, Vivian
Essex, David
Ginsburg, Ruth
Graham, John
Hebert, Raymond
Irwin, Anne-Marie
L'Heureux, Robert
Matarazzo, Anthony Sr
Movsesian, Lori
Pepino, Leo
Rochette, Eric
Scanlon, Michael
Smith, David
Velez, Hector

Bergin, Peter
Campbell, David
Cote, David
DeVries, Betsi
Foster, Linda
Golding, William
Haley, Robert
Holden, Randolph
Jasper, Shawn
Lasky, Bette
Messier, Irene
O'Connell, Timothy
Pilotte, Maurice
Rosenwald, Cindy
Schulze, Joan
Sullivan, Francis

MERRIMACK

Bouchard, Candace
DeJoie, John
Gile, Mary
Hess, David
MacKay, James
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
Kidder, David
McMahon, Patricia
Reardon, Tara
Soltani, Tony
Walz, Mary Beth

Currier, David
Foose, Robert
Hager, Elizabeth
Klose, John
Osborne, Jessie
Rush, Deanna
Tilton, Joy
Whiting, Herbert

Danforth, James
French, Barbara
Hamm, Christine
Lockwood, Priscilla
Owen, Derek
Ryan, Jim
Tupper, Frank
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Casey, Kimberley
Donahue, Richard Ken
Fesh, Bob
Francoeur, Sheila
Headd, James
Kobel, Rudolph
Morris, Richard
Packard, Sherman
Putnam, Ed II
Robertson, Carl
Serlin, Christopher
Waterhouse, Kevin
Wiley, Robert

Belanger, Ronald
Cady, Harriet
Charron, Gene
Dowd, John
Flanders, John Sr
Gillick, Thomas
Ingram, Russell
Langley, Jane
Norelli, Terie
Pantelakos, Laura
Quandt, Marshall Lee
Rolston, James
Splaine, James
Weare, E Albert
Zolla, William

Bishop, Franklin
Cali-Pitts, Jacqueline
Cooney, Richard
Dowling, Patricia
Flockhart, Eileen
Gould, Kenneth
Introne, Robert
Mason, April
Nowe, Ronald
Powers, James
Quandt, Matthew
Sanders, Elisabeth
Stiles, Nancy
Wells, Roger

Blanchard, MaryAnn
Camm, Kevin
DiFruscia, Anthony
Dumaine, Dudley
Forsing, Robert
Griffin, Mary
Johnson, Robert
Moody, Marcia
O'Neil, Michael
Priestley, Anne
Rausch, James
Scamman, Stella
Stone, Joseph
Weyler, Kenneth

STRAFFORD

Berube, Roger
Brown, Lawrence
Creteau, Irene
Grassie, Anne
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

Bickford, David
Callaghan, Frank
Domingo, Baldwin
Heon, Richard
Keans, Sandra
Rous, Emma
Spang, Judith

Brown, Jennifer
Chaplin, Duncan
Dunlap, Patricia
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Julie
Cilley, Jacalyn
Goodwin, Earle
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Gale, Harry
Phinizy, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Jillette, Arthur Jr
Rodeschin, Beverly

NAYS 107**BELKNAP**

Allen, Janet
Nedeau, Stephen
Wendelboe, Fran

Boyce, Laurie
Pilliod, James
Whalley, Michael

Clark, Charles
Rosen, Ralph

Heald, Bruce
Veazey, John

CARROLL

Chandler, Gene

Knox, J David

McConkey, Mark

CHESHIRE

Dexter, Judson
Pelkey, Stephen

Emerson, Susan
Roberts, Kris

Hogancamp, Deborah

Hunt, John

COOS

Morneau, Renney

GRAFTON

Eaton, Stephanie
Maybeck, Margie

Gionet, Edmond
Mirski, Paul

Ham, Bonnie
Sorg, Gregory

Ingbretson, Paul

HILLSBOROUGH

Aboshar, Jeffrey
Barry, J Gail
Calawa, Leon Jr
Christensen, D L Chris

Adams, Jarvis IV
Batula, Peter
Carew, James
Christiansen, Lars

Allan, Nelson
Bergeron, Jean-Guy
Carlson, Donald
Clark, Mark

Balboni, Michael
Boehm, Ralph
Chabot, Robert
Coughlin, Pamela

Crane, Elenore Casey
Gibson, John
Hirschmann, Keith
Manney, Pamela
Renzullo, Andrew
Stepanek, Stephen
Wheeler, Robert

Drisko, Richard
Goyette, Peter Jr
Kurk, Neal
McRae, Karen
Rowe, Robert
Vaillancourt, Steve

Elliott, Nancy
Hawkins, Ken
Lawrence, James
Mead, Robert
Slocum, Lee
Villeneuve, Maurice

Francoeur, Bea
Hinkle, Peyton
Lessard, Rudy
O'Brien, William
Souza, Kathleen
Wheeler, James

MERRIMACK

Anderson, Eric
Langlais, Thomas

Blanchard, Elizabeth
Marple, Richard

Field, William
Maxfield, Roy

Kennedy, Richard
Reed, Dennis

ROCKINGHAM

Allen, Mary
Coburn, James
Gilbert, Karl
Johnson, Rogers
Major, Norman
Parker, Benjamin
Winchell, George

Asselin, Michael
Dalrymple, Janeen
Hopfgarten, Paul
Katsakiores, George
Manning, John
Smith, Paul

Bettencourt, David
Dodge, Robert
Hughes, Daniel
Katsakiores, Phyllis
McKinney, Betsy
Welch, David

Carson, Sharon
Garrity, James
Itse, Daniel
Lund, Howie
McMahon, Charles
Weldy, Norman

STRAFFORD

Campbell, W Packy
Twombly, James

Cataldo, Sam

Easson, Timothy

Newton, Clifford

SULLIVAN

Irish, Christopher

and Section 1 of the committee amendment was adopted.

The question now being adoption of the remaining Sections of the amendment.

Rep. Rogers Johnson spoke against.

Rep. Sheila Francoeur spoke in favor.

Rep. Sheila Francoeur requested a roll call; sufficiently seconded.

The question being adoption of the remaining Sections of the amendment.

YEAS 279 NAYS 77

YEAS 279

BELKNAP

Allen, Janet
Russell, David
Wendelboe, Fran

Fitzgerald, James
Thomas, John
Whalley, Michael

Morrison, Gail
Tilton, Franklin

Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Olimpio, J Lisbeth

Babson, David Jr
Knox, J David
Patten, Betsey

Brown, Carolyn
Martin, James
Philbrick, Donald

Buco, Thomas
Morrow, Harry
Stevens, Stanley

CHESHIRE

Allen, Peter
Dunn, J Timothy
Parkhurst, Henry
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Pelkey, Stephen
Robertson, Timothy

Butynski, William
Emerson, Susan
Plika, Stanley Jr
Sawyer, Sheldon

Dexter, Judson
Foote, Sheila
Pratt, John
Tilton, Anna

COOS

Buzzell, Bernard
Merrick, Scott
Theberge, Robert

King, Frederick
Remick, William
Tholl, John Jr

Lary, Bruce
Richardson, Herbert

Mears, Edgar
Stohl, Eric

GRAFTON

Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Ward, John	

HILLSBOROUGH

Allan, Nelson	Baines, Stephen	Baroody, Benjamin	Batula, Peter
Beaulieu, Jane	Bergin, Peter	Brassard, Paul	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Campbell, David	Carew, James
Carlson, Donald	Carter, Mark	Chase, Claudia	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Emerton, Larry	Essex, David	Foster, Linda	Gargas, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Haley, Robert	Hansen, Ryan
Harvey, Suzanne	Hebert, Raymond	Holden, Randolph	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Manney, Pamela
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Mooney, Maureen
Movsesian, Lori	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Velez, Hector	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Currier, David	Danforth, James	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
Klose, John	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Soltani, Tony	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Blanchard, MaryAnn	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Camm, Kevin	Casey, Kimberley	Charron, Gene	Coburn, James
Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Ingram, Russell
Johnson, Robert	Langley, Jane	Major, Norman	Mason, April
McMahon, Charles	Moody, Marcia	Morris, Richard	Norelli, Terie
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Powers, James
Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Wells, Roger
Weyler, Kenneth	Wiley, Robert	Winchell, George	Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan	Cilley, Jacalyn

Creteau, Irene
Grassie, Anne
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

Domingo, Baldwin
Heon, Richard
Keans, Sandra
Rous, Emma
Spang, Judith

Dunlap, Patricia
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Goodwin, Earle
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gale, Harry
Osgood, Philip Sr

Donovan, Thomas
Houde-Quimby, Charlotte
Phinizy, James

Ferland, Brenda
Irish, Christopher
Prichard, Stephen

NAYS 77

BELKNAP

Boyce, Laurie
Nedeau, Stephen

Clark, Charles
Rosen, Ralph

Flanders, Donald
Veazey, John

Heald, Bruce

CARROLL

Chandler, Gene

McConkey, Mark

CHESHIRE

Hogancamp, Deborah

Hunt, John

Roberts, Kris

COOS

Morneau, Renney

GRAFTON

Eaton, Stephanie
Maybeck, Margie

Gionet, Edmond
Mirski, Paul

Ham, Bonnie
Sorg, Gregory

Ingbretson, Paul

HILLSBOROUGH

Adams, Jarvis IV
Boehm, Ralph
Drisko, Richard
Goyette, Peter Jr
Hunter, Bruce
McRae, Karen
Slocum, Lee
Wheeler, James

Balboni, Michael
Chabot, Robert
Elliott, Nancy
Hawkins, Ken
Lawrence, James
Mead, Robert
Stepanek, Stephen

Barry, J Gail
Christensen, D L Chris
Francoeur, Bea
Hinkle, Peyton
Lessard, Rudy
Renzullo, Andrew
Vaillancourt, Steve

Bergeron, Jean-Guy
Clark, Mark
Gibson, John
Hirschmann, Keith
Martin, Mary Ellen
Ryder, Donald
Villeneuve, Maurice

MERRIMACK

Field, William
Reed, Dennis

Kennedy, Richard

Marple, Richard

Maxfield, Roy

ROCKINGHAM

Bettencourt, David
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Welch, David

Carson, Sharon
Itse, Daniel
Kobel, Rudolph
Nowe, Ronald
Weldy, Norman

Hopfgarten, Paul
Johnson, Rogers
Lund, Howie
Parker, Benjamin

Hughes, Daniel
Katsakiores, George
Manning, John
Smith, Paul

STRAFFORD

Campbell, W Packy
Twombly, James

Cataldo, Sam

Easson, Timothy

Newton, Clifford

SULLIVAN

None

and the remaining Sections of the committee amendment were adopted.

The question now being adoption of the committee report.

Rep. Sheila Francoeur requested a roll call; sufficiently seconded.

YEAS 256 NAYS 105**YEAS 256
BELKNAP**

Allen, Janet
Tilton, Franklin

Fitzgerald, James
Veazey, John

Morrison, Gail

Thomas, John

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Olimpio, J Lisbeth

Babson, David Jr
Knox, J David
Patten, Betsey

Brown, Carolyn
Martin, James
Philbrick, Donald

Buco, Thomas
Morrow, Harry
Stevens, Stanley

CHESHIRE

Allen, Peter
Eaton, Daniel
Parkhurst, Henry
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Emerson, Susan
Pelkey, Stephen
Robertson, Timothy

Butynski, William
Espiefs, Peter
Plifka, Stanley Jr
Sawyer, Sheldon

Dunn, J Timothy
Foote, Sheila
Pratt, John
Tilton, Anna

COOS

Buzzell, Bernard
Merrick, Scott
Theberge, Robert

King, Frederick
Remick, William
Tholl, John Jr

Lary, Bruce
Richardson, Herbert

Mears, Edgar
Stohl, Eric

GRAFTON

Almy, Susan
Bleyler, Ruth
McLeod, Martha
Sokol, Hilda

Andersen, Gene
Cooney, Mary
Mulholland, Catherine
Solomon, Peter

Barker, Robert
Hammond, Lee
Naro, Debra
Ward, John

Benn, Bernard
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Bergin, Peter
Calawa, Leon Jr
Carter, Mark
Craig, James
Dokmo, Cynthia
Gargas, Carolyn
Goley, Jeffrey
Hansen, Ryan
Infantine, William
Kopka, Angeline
Matarazzo, Anthony Sr
O'Brien, William
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly
Tahir, Saghir

Baines, Stephen
Brassard, Paul
Campbell, David
Chase, Claudia
Daniuk, Caitlin
Emerton, Larry
Garritty, Patrick
Gorman, Mary
Harvey, Suzanne
Irwin, Anne-Marie
L'Heureux, Robert
Messier, Irene
O'Connell, Timothy
Price, Pamela
Ross, Lawrence
Smith, David
Velez, Hector

Baroody, Benjamin
Brundige, Robert
Carew, James
Clemons, Jane
Desmarais, Vivian
Essex, David
Ginsburg, Ruth
Graham, John
Hebert, Raymond
Jasper, Shawn
Lasky, Bette
Michon, Stephen
Ober, Lynne
Reeves, Sandra
Schulze, Joan
Sullivan, Francis

Beaulieu, Jane
Buhlman, David
Carlson, Donald
Cote, David
DeVries, Betsi
Foster, Linda
Golding, William
Haley, Robert
Holden, Randolph
Jean, Claudette
Manney, Pamela
Movesian, Lori
Pappas, Christopher
Rochette, Eric
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Anderson, Eric
Currier, David
Foose, Robert
Hager, Elizabeth
Klose, John
Osborne, Jessie
Rush, Deanna
Tilton, Joy
Whiting, Herbert

Blanchard, Elizabeth
Danforth, James
French, Barbara
Hamm, Christine
Lockwood, Priscilla
Owen, Derek
Ryan, Jim
Tupper, Frank
Williams, Robert

Bouchard, Candace
DeJoie, John
Gile, Mary
Hess, David
MacKay, James
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
Kidder, David
McMahon, Patricia
Reardon, Tara
Soltani, Tony
Waltz, Mary Beth

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Blanchard, MaryAnn
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Casey, Kimberley
Charron, Gene	Cooney, Richard	DiFruscia, Anthony	Dowd, John
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Garrity, James	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Ingram, Russell
Introne, Robert	Kobel, Rudolph	Langley, Jane	Major, Norman
Mason, April	Moody, Marcia	Morris, Richard	Norelli, Terie
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Powers, James
Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Wells, Roger
Weyler, Kenneth	Wiley, Robert	Zolla, William	

STRAFFORD

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Osgood, Philip Sr	Phinizy, James	Prichard, Stephen	Rodeschin, Beverly

NAYS 105**BELKNAP**

Boyce, Laurie	Clark, Charles	Flanders, Donald	Heald, Bruce
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Tobin, William	Wendelboe, Fran	Whalley, Michael	

CARROLL

Chandler, Gene	McConkey, Mark
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CHESHIRE

Dexter, Judson	Hogancamp, Deborah	Hunt, John	Roberts, Kris
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COOS

Morneau, Renney

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Ham, Bonnie	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Sorg, Gregory	

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Boehm, Ralph	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Drisko, Richard	Elliott, Nancy	Francoeur, Bea	Gibson, John
Goyette, Peter Jr	Hawkins, Ken	Hinkle, Peyton	Hirschmann, Keith
Hunter, Bruce	Kurk, Neal	Lawrence, James	Lessard, Rudy
Martin, Mary Ellen	McRae, Karen	Mead, Robert	Mooney, Maureen

Renzullo, Andrew
Slocum, Lee
Villeneuve, Maurice

Rowe, Robert
Souza, Kathleen
Wheeler, James

Ryder, Donald
Stepanek, Stephen
Wheeler, Robert

Scanlon, Michael
Vaillancourt, Steve

MERRIMACK

Field, William
Maxfield, Roy

Kennedy, Richard
Reed, Dennis

Langlais, Thomas

Marple, Richard

ROCKINGHAM

Allen, Mary
Carson, Sharon
Donahue, Richard Ken
Hughes, Daniel
Katsakiores, George
McKinney, Betsy
Smith, Paul

Bettencourt, David
Coburn, James
Forsing, Robert
Itse, Daniel
Katsakiores, Phyllis
McMahon, Charles
Welch, David

Bishop, Franklin
Dalrymple, Janeen
Gilbert, Karl
Johnson, Robert
Lund, Howie
Nowe, Ronald
Weldy, Norman

Camm, Kevin
Dodge, Robert
Hopfgarten, Paul
Johnson, Rogers
Manning, John
Parker, Benjamin
Winchell, George

STRAFFORD

Campbell, W Packy
Newton, Clifford

Cataldo, Sam
Twombly, James

Easson, Timothy

Keans, Sandra

SULLIVAN

Irish, Christopher

and the committee report was adopted.

Ordered to third reading.

HB 197, decriminalizing marijuana. INEXPEDIENT TO LEGISLATE

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The committee heard intelligent and thoughtful testimony on both sides of the issue of marijuana decriminalization. Ultimately, it became apparent that this bill was not an appropriate course of action. The proposed legislation contains no mechanism for the regulation of marijuana and could lead to an ongoing state of legal confusion. In addition, the bill would permit the possession of quantities of marijuana that far exceed what anyone would need for strictly personal use. This would have the effect of decriminalizing not only possession, but also some trafficking. Given these concerns the committee cannot support this bill in its current form. Vote 13-2

Rep. Timothy Robertson spoke against and yielded to questions.

Rep. Peter Sullivan spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 295 NAYS 60

YEAS 295

BELKNAP

Allen, Janet
Flanders, Donald
Pilliod, James
Tilton, Franklin
Whalley, Michael

Boyce, Laurie
Heald, Bruce
Rosen, Ralph
Tobin, William

Clark, Charles
Morrison, Gail
Russell, David
Veazey, John

Fitzgerald, James
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Philbrick, Donald

Dickinson, Howard
Morrow, Harry
Stevens, Stanley

CHESHIRE

Butynski, William
Emerson, Susan
Hunt, John

Dexter, Judson
Espieffs, Peter
Pelkey, Stephen

Dunn, J Timothy
Foote, Sheila
Plifka, Stanley Jr

Eaton, Daniel
Hogancamp, Deborah
Roberts, Kris

COOS

King, Frederick
Remick, William

Lary, Bruce
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Morneau, Renney
Tholl, John Jr

GRAFTON

Almy, Susan
Eaton, Stephanie
Maybeck, Margie
Solomon, Peter

Andersen, Gene
Gionet, Edmond
McLeod, Martha
Ward, John

Barker, Robert
Ham, Bonnie
Mirski, Paul

Bleyler, Ruth
Ingbretson, Paul
Naro, Debra

HILLSBOROUGH

Adams, Jarvis IV
Barody, Benjamin
Bergeron, Jean-Guy
Brassard, Paul
Carew, James
Christensen, D L Chris
Coughlin, Pamela
Desmarais, Vivian
Elliott, Nancy
Golding, William
Graham, John
Hebert, Raymond
Hunter, Bruce
Jean, Claudette
Lasky, Bette
Martin, Mary Ellen
Messier, Irene
O'Brien, William
Price, Pamela
Rosenwald, Cindy
Schulze, Joan
Souza, Kathleen
Tahir, Saghir

Allan, Nelson
Barry, J Gail
Bergin, Peter
Brundige, Robert
Carlson, Donald
Christiansen, Lars
Craig, James
DeVries, Betsi
Essex, David
Goley, Jeffrey
Hansen, Ryan
Hinkle, Peyton
Infantine, William
Kopka, Angeline
Lawrence, James
Matarazzo, Anthony Sr
Michon, Stephen
O'Connell, Timothy
Reeves, Sandra
Rowe, Robert
Shaw, Kimberly
Stepanek, Stephen
Villeneuve, Maurice

Baines, Stephen
Batula, Peter
Biundo, Michael
Calawa, Leon Jr
Carter, Mark
Clark, Mark
Crane, Elenore Casey
Dokmo, Cynthia
Foster, Linda
Gorman, Mary
Harvey, Suzanne
Hirschmann, Keith
Irwin, Anne-Marie
Kurk, Neal
Lessard, Rudy
McRae, Karen
Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Ryder, Donald
Slocum, Lee
Sullivan, Francis
Wheeler, James

Balboni, Michael
Beaulieu, Jane
Boehm, Ralph
Campbell, David
Chabot, Robert
Cote, David
Daniuk, Caitlin
Drisko, Richard
Gibson, John
Goyette, Peter Jr
Hawkins, Ken
Holden, Randolph
Jasper, Shawn
L'Heureux, Robert
Manney, Pamela
Mead, Robert
Movsesian, Lori
Pilotte, Maurice
Rochette, Eric
Scanlon, Michael
Smith, David
Sullivan, Peter
Wheeler, Robert

MERRIMACK

Anderson, Eric
DeJoie, John
Hager, Elizabeth
Klose, John
Maxfield, Roy
Reed, Dennis
Tilton, Joy
Williams, Robert

Blanchard, Elizabeth
DeStefano, Stephen
Hamm, Christine
Langlais, Thomas
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Currier, David
Foose, Robert
Hess, David
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Danforth, James
Greco, Vincent
Kidder, David
MacKay, James
Reardon, Tara
Soltani, Tony
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Cady, Harriet
Casey, Kimberley
Dalrymple, Janeen
Dowd, John
Flanders, John Sr
Garrity, James
Griffin, Mary
Ingram, Russell
Katsakiores, George

Allen, Mary
Bishop, Franklin
Cali-Pitts, Jacqueline
Charron, Gene
DiFruscia, Anthony
Dowling, Patricia
Flockhart, Eileen
Gilbert, Karl
Headd, James
Introne, Robert
Katsakiores, Phyllis

Asselin, Michael
Blanchard, MaryAnn
Camm, Kevin
Coburn, James
Dodge, Robert
Dumaine, Dudley
Forsing, Robert
Gillick, Thomas
Hopfgarten, Paul
Itse, Daniel
Kobel, Rudolph

Belanger, Ronald
Buxton, Donald
Carson, Sharon
Cooney, Richard
Donahue, Richard Ken
Fesh, Bob
Francoeur, Sheila
Gould, Kenneth
Hughes, Daniel
Johnson, Robert
Langley, Jane

Lund, Howie
 McKinney, Betsy
 Nowe, Ronald
 Parker, Benjamin
 Quandt, Matthew
 Sanders, Elisabeth
 Stone, Joseph
 Weldy, Norman
 Winchell, George

Major, Norman
 McMahon, Charles
 O'Neil, Michael
 Priestley, Anne
 Rausch, James
 Scamman, Stella
 Waterhouse, Kevin
 Wells, Roger
 Zolla, William

Manning, John
 Morris, Richard
 Packard, Sherman
 Putnam, Ed II
 Robertson, Carl
 Smith, Paul
 Weare, E Albert
 Weyler, Kenneth

Mason, April
 Norelli, Terie
 Pantelakos, Laura
 Quandt, Marshall Lee
 Rolston, James
 Stiles, Nancy
 Welch, David
 Wiley, Robert

STRAFFORD

Berube, Roger
 Callaghan, Frank
 Dunlap, Patricia
 Heon, Richard
 Knowles, William
 Schmidt, Peter
 Wall, Janet

Bickford, David
 Campbell, W Packy
 Easson, Timothy
 Hofemann, Roland
 Miller, Joseph
 Snyder, Clair

Brown, Julie
 Cataldo, Sam
 Goodwin, Earle
 Johnson, Nancy
 Newton, Clifford
 Taylor, Kathleen

Brown, Lawrence
 Chaplin, Duncan
 Grassie, Anne
 Kaen, Naida
 Rollo, Michael
 Twombly, James

SULLIVAN

Donovan, Thomas
 Irish, Christopher

Ferland, Brenda
 Osgood, Philip Sr

Franklin, Peter
 Rodeschin, Beverly

Gale, Harry

NAYS 60

BELKNAP

None

CARROLL

Babson, David Jr

CHESHIRE

Allen, Peter
 Richardson, Barbara
 Weed, Charles

Butcher, Suzanne
 Robertson, Timothy

Parkhurst, Henry
 Sawyer, Sheldon

Pratt, John
 Tilton, Anna

COOS

Buzzell, Bernard

Merrick, Scott

Theberge, Robert

GRAFTON

Benn, Bernard
 Mulholland, Catherine

Cooney, Mary
 Nordgren, Sharon

Hammond, Lee
 Sokol, Hilda

Harding, A Laurie
 Sorg, Gregory

HILLSBOROUGH

Buhlman, David
 Haley, Robert
 Velez, Hector

Chase, Claudia
 Pappas, Christopher

Francoeur, Bea
 Shaw, Barbara

Garrity, Patrick
 Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
 Gile, Mary
 Owen, Derek

Bueggemann, Donald
 Kennedy, Richard
 Ryan, Jim

Field, William
 Marple, Richard
 Wallner, Mary Jane

French, Barbara
 Osborne, Jessie

ROCKINGHAM

Moody, Marcia

Powers, James

Serlin, Christopher

Splaine, James

STRAFFORD

Brown, Jennifer
 Keans, Sandra
 Taylor, Katherine

Cilley, Jacalyn
 Rous, Emma

Creteau, Irene
 Smith, Marjorie

Domingo, Baldwin
 Spang, Judith

SULLIVAN

Cloutier, John
Phinzy, James

Converse, Larry
Prichard, Stephen

Houde-Quimby, Charlotte

Jillette, Arthur Jr

and the committee report was adopted.

(Deputy Speaker Weyler in the Chair)

HB 208-FN, relative to criminal penalties for possession of a firearm in a safe school zone. **IN-EXPEDIENT TO LEGISLATE**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: To quote a past president of the United States, "It is more important to kill bad bills than to pass good ones...." This bill is one of those. It advises an otherwise honest, law abiding citizen who has a valid license to carry concealed within the State of New Hampshire, to be put at jeopardy of facing criminal charges. This bill is unnecessary. The Federal Safe School Act already offers the same protection without the criminal consequences against law abiding licensed citizens. This bill would not address the person who had a firearm unloaded and locked in his car, or in a gun rack as the federal law does. In this bill, because the licensed owner wished to leave his car, he would now, while sitting behind the steering wheel, in heavy winter clothes, unload his firearm and put it "out of sight." Anyone who has handled firearms knows the loading and unloading of that firearm is the most dangerous time and when most "accidental shootings" take place. And here we are on school grounds. We must ask ourselves, "Why this bill?" Are there people carrying openly on school grounds? The committee and the sub-committee heard of none. Shouldn't we, as legislators adhere to the policy that the bills that come out of the committee are worded so that they do just what they are intended to do and not a great deal more? Further, this bill would make it a crime even to have pieces of a firearm such as trigger housing, or a starter pistol in your car. Present New Hampshire law does not. This bill does exactly what the sponsors do not want. It makes a "Safe School Zone", not for teachers and students, but for the criminal. The criminal, who will not follow any laws of any government (that is why he is a criminal), will now act with impunity and do whatever he wishes to do. With HB 208, now he is aware he and only he will have a firearm. This bill, if passed, would create only an illusion of safety. Vote 7-6.

Rep. Cataldo spoke in favor.

Rep. Cataldo requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 273 NAYS 77**YEAS 273****BELKNAP**

Allen, Janet
Flanders, Donald
Rosen, Ralph
Tobin, William

Boyce, Laurie
Hald, Bruce
Russell, David
Veazey, John

Clark, Charles
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Fitzgerald, James
Pilliod, James
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Philbrick, Donald

CHESHIRE

Allen, Peter
Emerson, Susan
Hunt, John
Roberts, Kris

Dexter, Judson
Espiefs, Peter
Pelkey, Stephen
Sawyer, Sheldon

Dunn, J Timothy
Foote, Sheila
Plifka, Stanley Jr

Eaton, Daniel
Hogancamp, Deborah
Richardson, Barbara

COOS

Buzzell, Bernard
Morneau, Renney
Tholl, John Jr

King, Frederick
Remick, William

Lary, Bruce
Richardson, Herbert

Mears, Edgar
Stohl, Eric

GRAFTON

Barker, Robert	Benn, Bernard	Cooney, Mary	Eaton, Stephanie
Gionet, Edmond	Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Naro, Debra	Solomon, Peter	Sorg, Gregory
Ward, John			

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Baines, Stephen	Balboni, Michael
Baroody, Benjamin	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Campbell, David	Carew, James
Carlson, Donald	Carter, Mark	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Clemons, Jane	Cote, David
Coughlin, Pamela	Craig, James	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Essex, David	Foster, Linda	Francoeur, Bea	Gibson, John
Golding, William	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Graham, John	Haley, Robert	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Hunter, Bruce	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lawrence, James	Lessard, Rudy
Manney, Pamela	Martin, Mary Ellen	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	Movsesian, Lori	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Shaw, Barbara	Shaw, Kimberly	Slocum, Lee
Smith, David	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Bouchard, Candace	Currier, David	Danforth, James
DeStefano, Stephen	Field, William	Foose, Robert	Greco, Vincent
Kennedy, Richard	Kidder, David	Klose, John	Langlais, Thomas
Lockwood, Priscilla	Mackay, James	Marple, Richard	Maxfield, Roy
McMahon, Patricia	Reed, Dennis	Rush, Deanna	Shurtleff, Stephen
Soltani, Tony	Walz, Mary Beth	Whiting, Herbert	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Francoeur, Sheila
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Morris, Richard	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Parker, Benjamin
Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Smith, Paul	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Wiley, Robert
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan

Cilley, Jacalyn
Easson, Timothy
Hofemann, Roland
Rollo, Michael
Twombly, James

Creteau, Irene
Goodwin, Earle
Kaen, Naida
Rous, Emma
Wall, Janet

Domingo, Baldwin
Grassie, Anne
Keans, Sandra
Snyder, Clair

Dunlap, Patricia
Heon, Richard
Newton, Clifford
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Gale, Harry
Phinizy, James

Donovan, Thomas
Irish, Christopher
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

NAYS 77

BELKNAP

Morrison, Gail

CARROLL

Stevens, Stanley

CHESHIRE

Butcher, Suzanne
Robertson, Timothy

Butynski, William
Tilton, Anna

Parkhurst, Henry

Pratt, John

COOS

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
Harding, A Laurie
Sokol, Hilda

Andersen, Gene
McLeod, Martha

Bleyler, Ruth
Mulholland, Catherine

Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Beaulieu, Jane
DeVries, Betsi
Jean, Claudette
Pappas, Christopher
Sullivan, Francis

Bergin, Peter
Garrity, Patrick
Kopka, Angeline
Pilotte, Maurice
Sullivan, Peter

Chase, Claudia
Harvey, Suzanne
Matarazzo, Anthony Sr
Rochette, Eric
Velez, Hector

Daniuk, Caitlin
Irwin, Anne-Marie
Michon, Stephen
Schulze, Joan

MERRIMACK

Blanchard, Elizabeth
Hamm, Christine
Ryan, Jim
Williams, Robert

Brueggemann, Donald
Osborne, Jessie
Tilton, Joy
Yeaton, Charles

French, Barbara
Potter, Frances
Tupper, Frank

Gile, Mary
Reardon, Tara
Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn
Garrity, James
Moody, Marcia
Splaine, James

Cali-Pitts, Jacqueline
Ingram, Russell
Norelli, Terie
Stiles, Nancy

Casey, Kimberley
Langley, Jane
Powers, James
Stone, Joseph

Flockhart, Eileen
Manning, John
Serlin, Christopher
Winchell, George

STRAFFORD

Brown, Lawrence
Smith, Marjorie

Knowles, William
Spang, Judith

Miller, Joseph
Taylor, Katherine

Schmidt, Peter

SULLIVAN

Houde-Quimby, Charlotte
and the committee report was adopted.

Prichard, Stephen

HB 285, relative to carrying a concealed weapon without a license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stanley E. Stevens for the Majority of Criminal Justice and Public Safety: This is a bill that would repeal certain statutes that prohibit carrying a pistol or revolver without obtaining a license. Specifi-

cally, it repeals RSA 159:4 Carrying without License. This is the statute that provides a penalty for any person convicted of carrying a loaded pistol or revolver in any vehicle, or concealed upon his person without a valid license therefore. The committee has heard, and rejected, several versions of this bill that have been brought forth in every session over the last several years. In each instance the House has supported the committee's position. New Hampshire already has some of the most permissive firearms laws in the United States. A person can already carry a loaded firearm as long as it is not both concealed, or in a vehicle. The current law works well and should remain in place. Vote 12-5.

Rep. Elbert I. Bicknell for the Minority of Criminal Justice and Public Safety: The committee members will, with very little dissent, admit that New Hampshire has some of the better gun laws in our United States. Other states, such as Arizona, as of last year, and before that Alaska, have done away with having their law abiding citizens apply for a license to carry a firearm concealed. Crime and violence have not taken over the streets of these states. In fact the opposite is true and crime has been reduced since now anyone can carry a firearm concealed legally. Vermont has never had a gun law and its streets are not awash in violent crimes. In fact, it is touted by the FBI as being one of the safest of all states. It is the minority's opinion that this bill would align us with the constitutions of New Hampshire and the United States and nothing more.

Rep. Mirski spoke against.

Rep. Stevens spoke in favor.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 256 NAYS 97

YEAS 256

BELKNAP

Clark, Charles	Fitzgerald, James	Flanders, Donald	Herald, Bruce
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tobin, William	Veazey, John	Whalley, Michael

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Knox, J David	Martin, James
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Butcher, Suzanne	Butynski, William	Dexter, Judson	Dunn, J Timothy
Eaton, Daniel	Espiels, Peter	Foote, Sheila	Hogancamp, Deborah
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Richardson, Herbert	Theberge, Robert
Tholl, John Jr			

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	

HILLSBOROUGH

Allan, Nelson	Baines, Stephen	Baroody, Benjamin	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Calawa, Leon Jr	Campbell, David
Carew, James	Carlson, Donald	Carter, Mark	Chabot, Robert
Chase, Claudia	Christensen, D L Chris	Clemons, Jane	Cote, David
Craig, James	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Essex, David
Foster, Linda	Garrity, Patrick	Golding, William	Goley, Jeffrey

Gorman, Mary
Hawkins, Ken
Infantine, William
Kopka, Angeline
Lessard, Rudy
Michon, Stephen
Pappas, Christopher
Rochette, Eric
Scanlon, Michael
Smith, David
Velez, Hector

Graham, John
Hebert, Raymond
Irwin, Anne-Marie
Kurk, Neal
Manney, Pamela
Movsesian, Lori
Pilotte, Maurice
Rosenwald, Cindy
Schulze, Joan
Sullivan, Francis
Wheeler, Robert

Haley, Robert
Holden, Randolph
Jasper, Shawn
L'Heureux, Robert
Matarazzo, Anthony Sr
O'Connell, Timothy
Price, Pamela
Ross, Lawrence
Shaw, Barbara
Sullivan, Peter

Harvey, Suzanne
Hunter, Bruce
Jean, Claudette
Lasky, Bette
Messier, Irene
Ober, Lynne
Reeves, Sandra
Ryder, Donald
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Currier, David
Field, William
Greco, Vincent
Kidder, David
Maxfield, Roy
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Blanchard, Elizabeth
Danforth, James
Foose, Robert
Hager, Elizabeth
Klose, John
McMahon, Patricia
Reed, Dennis
Tilton, Joy
Williams, Robert

Bouchard, Candace
DeJoie, John
French, Barbara
Hamm, Christine
Lockwood, Priscilla
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Hess, David
MacKay, James
Potter, Frances
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn
Casey, Kimberley
DiFruscia, Anthony
Fesh, Bob
Francoeur, Sheila
Gould, Kenneth
Ingram, Russell
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Priestley, Anne
Serlin, Christopher
Waterhouse, Kevin
Zolla, William

Asselin, Michael
Buxton, Donald
Charron, Gene
Dodge, Robert
Flanders, John Sr
Garity, James
Griffin, Mary
Johnson, Robert
Langley, Jane
McMahon, Charles
Pantelakos, Laura
Rausch, James
Splaine, James
Weare, E Albert

Belanger, Ronald
Cali-Pitts, Jacqueline
Coburn, James
Dowd, John
Flockhart, Eileen
Gilbert, Karl
Headd, James
Katsakiores, George
Major, Norman
Moody, Marcia
Parker, Benjamin
Robertson, Carl
Stiles, Nancy
Wiley, Robert

Bettencourt, David
Carson, Sharon
Cooney, Richard
Dowling, Patricia
Forsing, Robert
Gillick, Thomas
Hughes, Daniel
Katsakiores, Phyllis
Mason, April
Norelli, Terie
Powers, James
Scamman, Stella
Stone, Joseph
Winchell, George

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Hofemann, Roland
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Cilley, Jacalyn
Goodwin, Earle
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

Brown, Julie
Creteau, Irene
Grassie, Anne
Kaen, Naida
Rollo, Michael
Snyder, Clair

Brown, Lawrence
Domingo, Baldwin
Heon, Richard
Keans, Sandra
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Osgood, Philip Sr

NAYS 97

BELKNAP

Allen, Janet
Wendelboe, Fran

Boyce, Laurie

Rosen, Ralph

Tilton, Franklin

CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	McConkey, Mark
Morrow, Harry			

CHESHIRE

Allen, Peter	Emerson, Susan	Hunt, John	Pelkey, Stephen
Sawyer, Sheldon			

COOS

Morneau, Renney	Stohl, Eric
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GRAFTON

Barker, Robert	Gionet, Edmond	Ingbreton, Paul	Maybeck, Margie
Mirski, Paul	Sorg, Gregory	Ward, John	

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Elliott, Nancy	Francoeur, Bea	Gibson, John
Goyette, Peter Jr	Hansen, Ryan	Hinkle, Peyton	Hirschmann, Keith
Lawrence, James	McRae, Karen	Mead, Robert	Mooney, Maureen
O'Brien, William	Renzullo, Andrew	Rowe, Robert	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

Kennedy, Richard	Langlais, Thomas	Marple, Richard	Soltani, Tony
Whiting, Herbert			

ROCKINGHAM

Allen, Mary	Bishop, Franklin	Cady, Harriet	Camm, Kevin
Donahue, Richard Ken	Dumaine, Dudley	Hopfgarten, Paul	Introne, Robert
Itse, Daniel	Lund, Howie	Manning, John	Morris, Richard
Nowe, Ronald	Packard, Sherman	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Rolston, James	Sanders, Elisabeth	Smith, Paul
Welch, David	Weldy, Norman	Wells, Roger	

STRAFFORD

Bickford, David	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford	Taylor, Katherine	Taylor, Kathleen
Twombly, James			

SULLIVAN

Converse, Larry	Irish, Christopher	Phinizy, James
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and the majority committee report was adopted.

CACR 14, relating to tax money and religious schools or institutions. Providing that the language in article 83 of the second part of the New Hampshire constitution which states that "Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination" shall be deleted from the article. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deanna P. Rush for the Majority of Education: CACR 14 removes the Blaine amendment from the New Hampshire constitution, which could result in allowing public tax dollars to support schools or institutions of religious sects or denominations. Our constitution is very specific. It says that no money raised by taxes should go to sectarian schools of any sect. If we remove this wording from the New Hampshire constitution, it could allow public tax dollars to be used for private religious schools. Vote 11-10.

Rep. W. Packy Campbell for the Minority of Education: The minority feels that parents are denied the right to religious freedom in choice of educational environments under the current law. Religious freedom is not a luxury for those who can afford it, but a God given right. The minority feels this amendment is unconstitutional and conflicts with Part I, Article 6 of the Bill of Rights. Failing to remove this amendment to our constitution opens the public schools to lawsuits, whereby they violate the constitution by the denial of the existence of God through omission and establish a state sponsored non-religion. The minority believes this country is founded on the principle, "Freedom of Religion not the Freedom from Religion."

Reps. Ingbretson and Soltani spoke against.

Rep. Marjorie Smith spoke in favor.

Rep. Packy Campbell spoke against and yielded to questions.

Reps. David Campbell and Rush spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 225 NAYS 123

YEAS 225

BELKNAP

Nedeau, Stephen
Tobin, William

Pilliod, James
Veazey, John

Russell, David

Thomas, John

CARROLL

Ahlgren, Christopher
Morrow, Harry

Babson, David Jr
Olimpio, J Lisbeth

Buco, Thomas
Patten, Betsey

Knox, J David
Philbrick, Donald

CHESHIRE

Allen, Peter
Dunn, J Timothy
Foote, Sheila
Pratt, John
Tilton, Anna

Butcher, Suzanne
Eaton, Daniel
Hogancamp, Deborah
Richardson, Barbara

Butynski, William
Emerson, Susan
Parkhurst, Henry
Roberts, Kris

Dexter, Judson
Espieffs, Peter
Plifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard
Remick, William
Tholl, John Jr

Mears, Edgar
Richardson, Herbert

Merrick, Scott
Stohl, Eric

Morneau, Renney
Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Nordgren, Sharon

Andersen, Gene
Eaton, Stephanie
McLeod, Martha
Sokol, Hilda

Benn, Bernard
Ham, Bonnie
Mulholland, Catherine
Solomon, Peter

Bleyler, Ruth
Hammond, Lee
Naro, Debra

HILLSBOROUGH

Baines, Stephen
Boehm, Ralph
Chase, Claudia
Craig, James
Drisko, Richard
Garrity, Patrick
Haley, Robert
Jean, Claudette
Lasky, Bette
O'Connell, Timothy
Rochette, Eric
Ryder, Donald
Smith, David
Velez, Hector

Baroody, Benjamin
Campbell, David
Clemons, Jane
Daniuk, Caitlin
Emerton, Larry
Goley, Jeffrey
Harvey, Suzanne
Kopka, Angeline
Messier, Irene
Ober, Lynne
Rosenwald, Cindy
Schulze, Joan
Sullivan, Francis
Wheeler, Robert

Beaulieu, Jane
Carlson, Donald
Cote, David
DeVries, Betsi
Essex, David
Gorman, Mary
Holden, Randolph
Kurk, Neal
Michon, Stephen
Pappas, Christopher
Ross, Lawrence
Shaw, Barbara
Tahir, Saghir

Bergin, Peter
Chabot, Robert
Coughlin, Pamela
Dokmo, Cynthia
Foster, Linda
Graham, John
Irwin, Anne-Marie
L'Heureux, Robert
Movsesian, Lori
Price, Pamela
Rowe, Robert
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Currier, David
Foose, Robert
Hager, Elizabeth
MacKay, James
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Williams, Robert

Blanchard, Elizabeth
Danforth, James
French, Barbara
Hamm, Christine
Marple, Richard
Potter, Frances
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Bouchard, Candace
DeJoie, John
Gile, Mary
Klose, John
Maxfield, Roy
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
Lockwood, Priscilla
McMahon, Patricia
Reed, Dennis
Tilton, Joy
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn
Cooney, Richard
Flockhart, Eileen
Gould, Kenneth
Johnson, Robert
Langley, Jane
Norelli, Terie
Powers, James
Sanders, Elisabeth
Stiles, Nancy

Allen, Mary
Buxton, Donald
Dowling, Patricia
Francoeur, Sheila
Griffin, Mary
Katsakiores, George
Major, Norman
Packard, Sherman
Priestley, Anne
Scamman, Stella
Stone, Joseph

Asselin, Michael
Cali-Pitts, Jacqueline
Fesh, Bob
Gilbert, Karl
Hughes, Daniel
Katsakiores, Phyllis
Manning, John
Pantelakos, Laura
Rausch, James
Serlin, Christopher
Weare, E Albert

Belanger, Ronald
Casey, Kimberley
Flanders, John Sr
Gillick, Thomas
Ingram, Russell
Kobel, Rudolph
Moody, Marcia
Parker, Benjamin
Robertson, Carl
Splaine, James
Winchell, George

STRAFFORD

Berube, Roger
Brown, Lawrence
Creteau, Irene
Heon, Richard
Keans, Sandra
Rous, Emma
Spang, Judith

Bickford, David
Callaghan, Frank
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Jennifer
Cataldo, Sam
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Julie
Cilley, Jacalyn
Grassie, Anne
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

SULLIVAN

Cloutier, John
Gale, Harry
Phinizy, James

Converse, Larry
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Irish, Christopher

Franklin, Peter
Jillette, Arthur Jr

NAYS 123**BELKNAP**

Allen, Janet
Flanders, Donald
Whalley, Michael

Boyce, Laurie
Rosen, Ralph

Clark, Charles
Tilton, Franklin

Fitzgerald, James
Wendelboe, Fran

CARROLL

Brown, Carolyn
McConkey, Mark

Chandler, Gene
Stevens, Stanley

Dickinson, Howard

Martin, James

CHESHIRE

Hunt, John

Pelkey, Stephen

Sawyer, Sheldon

COOS

None

GRAFTON

Barker, Robert
Mirski, Paul

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Ward, John

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Brassard, Paul
Brundige, Robert	Buhman, David	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Crane, Elenore Casey
Desmarais, Vivian	Elliott, Nancy	Francoeur, Bea	Gibson, John
Golding, William	Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Lawrence, James	Lessard, Rudy	Manney, Pamela
Martin, Mary Ellen	Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	Pilotte, Maurice	Reeves, Sandra
Renzullo, Andrew	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Sullivan, Peter	Villeneuve, Maurice	Wheeler, James

MERRIMACK

Field, William	Hess, David	Kennedy, Richard	Kidder, David
L'Heureux, Stephen	Langlais, Thomas	Soltani, Tony	

ROCKINGHAM

Bettencourt, David	Bishop, Franklin	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	DiFruscia, Anthony
Dodge, Robert	Donahue, Richard Ken	Dowd, John	Dumaine, Dudley
Garrity, James	Headd, James	Hopfgarten, Paul	Introne, Robert
Itse, Daniel	Lund, Howie	Mason, April	McKinney, Betsy
McMahon, Charles	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Rolston, James
Smith, Paul	Waterhouse, Kevin	Welch, David	Weldy, Norman
Wells, Roger	Wiley, Robert	Zolla, William	

STRAFFORD

Campbell, W Packy	Chaplin, Duncan	Easson, Timothy	Newton, Clifford
Twombly, James			

SULLIVAN

Donovan, Thomas	Osgood, Philip Sr	Rodeschin, Beverly
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and the majority committee report was adopted.

(Speaker Scamman in the Chair)**RESOLUTION**

Without objection, Rep. O'Neil moved that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

Third reading and final passage

HB 214, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings.

HB 220, establishing a committee to study the ability of homeless youth in New Hampshire to make a successful transition to adulthood.

HB 510, relative to financial affidavits in domestic relations cases.

HB 511, relative to the confidentiality of records pertaining to the support of dependent children.

HB 585, relative to grounds for termination of parental rights.

HB 586, relative to the periodic review of child support guidelines.

HB 640-FN, relative to parental rights and responsibilities.

HB 299, establishing a committee to study state laws governing liens for labor and materials.

HB 348, relative to real and personal property conveyances made under powers of attorney.

HB 469, regulating disputes between homeowners and contractors relative to residential construction defects.

- HB 490**, relative to law enforcement access to financial records under the New Hampshire right to privacy act.
- HB 583**, establishing an oversight committee to study medical malpractice insurance rates in this state.
- HB 68**, relative to the enforcement of disorderly conduct by reason of noise.
- HB 125**, relative to ignition interlock devices.
- HB 294**, relative to annulment of arrest records.
- HB 440**, relative to hearing ear dogs, guide dogs, and service dogs.
- HB 468**, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff.
- HB 533-FN**, relative to penalties for aggravated felonious sexual assault.
- HB 558**, relative to the circumstances constituting sexual assault.
- SB 76**, relative to the extension of restraining orders under the domestic violence protection act.
- HB 248**, authorizing semi-annual payments of school building aid.
- HB 301-L**, relative to parent advisory councils for pupils with educational disabilities.
- HB 389**, relative to the duties of the postsecondary education commission.
- HB 435**, establishing a separate high school civics graduation requirement.
- HB 557**, relative to the submission of data to the department of education.
- HR 12**, proclaiming the first week of each school year as "Dictionary Week."
- HB 366**, relative to maintenance of voter checklists.
- HB 381-FN**, relative to special elections, voter lists, and conduct of elections.
- HB 293**, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county.
- HB 560**, relative to timber harvesting.
- HB 562**, relative to eliminating certain mercury-added products.
- HB 573**, establishing a commission to study automobile recycling issues, including disposal fees.
- HB 580**, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D.
- HB 114**, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board.
- HB 354**, relative to the review, approval, and adoption of agency rules.
- HB 383**, relative to vital records administration.
- HB 420**, relative to receiving and addressing complaints against licensees by the board of mental health practice.
- HB 465-FN**, authorizing the board of medicine to take non-disciplinary remedial action against physicians.
- HB 481**, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171B, and RSA 623:1.
- HB 532**, relative to the licensure of dentists by the board of dental examiners.
- HB 595-FN**, establishing the position of state meat inspector.
- HB 637-FN**, relative to licensure of alcohol and drug abuse professionals.
- HB 272-FN-A**, making an appropriation to the barn preservation fund.
- HB 547-FN**, changing the funding limit for on-premise-use fuel oil storage facilities.
- HB 542**, making technical corrections to the uniform trust code.
- HB 617**, establishing a commission to study the future role of court reporters in New Hampshire's court system.
- HB 672-FN**, relative to notaries public, justices of the peace, and adopting the Uniform Law on Notarial Acts.
- HB 126**, relative to a public employee right of free speech.
- HB 170**, relative to unemployment compensation.
- HB 246**, establishing a committee to study the classification of employees as independent contractors.
- HB 329**, establishing the crime victim employment leave act.
- HB 393**, establishing a committee to study methods for requiring employers to permit voluntary and paid on-call emergency first responders to respond to calls.
- HB 404**, permitting employees to request a wage deduction for contributions to a political action committee.
- HB 561**, relative to reasonable accommodation by employers under the state law against discrimination.

HB 618-FN-L, relative to persons acting as volunteers to a state agency.

HCR 2, declaring October 27 to be Boston Red Sox Day.

SJR 1, declaring the month of April 2005 to be Boston Red Sox Month.

HB 311-L, enabling towns to establish revolving funds for certain purposes.

HB 359, defining "unnecessary hardship" for purposes of zoning variances.

HB 394, relative to real estate tax lien procedures for tax collectors.

HB 429, relative to representation by nonattorneys before the board of tax and land appeals and relative to condemnation proceedings conducted by the board of tax and land appeals.

HB 437, relative to the disposition of municipal records.

HB 480, relative to innovative land use controls.

HB 549, modifying notice requirements for the acceptance of unanticipated funds by a school district, city, town, or public library.

HB 570, relative to preliminary site plan review and the definition of inclusionary zoning.

HB 428, relative to clarifying the authority of the Pease development authority and the division of ports and harbors.

HB 215-FN, relative to water management.

HB 342, establishing a commission to study the barriers to the establishment of all-terrain vehicle trails on public and private lands.

HB 343, establishing a commission to study accessibility for New Hampshire citizens to the water bodies in the state.

HB 487-FN, establishing a volunteer lake assessment program in the department of environmental services.

HB 491, relative to the inherent dangers of OHRV operation and limiting landowner liability for certain fish and game related land uses.

HB 315, relative to best available technology for air pollution control.

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire.

HCR 8, urging the Congress of the United States to place a moratorium on new free trade agreements, to investigate and review current free trade agreements and policies of the United States, to investigate and review participation of the United States with international trade organizations and to ensure that such agreements, policies, and participation are in the best interests of the citizens of the state of New Hampshire and the United States.

HB 205, relative to licensing requirements for certain drivers.

HB 244-FN, relative to statutory liens by the department of safety.

HB 599-FN, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles.

HB 683-FN, relative to reporting of motor vehicle offenses by driver education instructors and drivers' school licensees.

HB 567, relative to mediation in family law cases involving children.

HB 177, relative to home improvement contracts.

HB 611-FN, relative to small group insurers.

RECESS

Rep. O'Neil moved that the House stand in recess until 10:00 a.m. tomorrow.

Adopted.

The House recessed at 5:15 p.m.

RECESS

(Speaker Scamman in the Chair)

The Speaker called the recessed session of March 30, 2005 to order at 10:00 a.m. Without objection, The Chair ordered that since the House was technically still in the March 30, 2005 session, any leave of absence requests received by the Clerk today will be granted, unless otherwise ordered by the House.

LEAVES OF ABSENCE

Reps. Albert, Alger, Claire Clarke, Peter Cote, Dyer, Egbers, Hall, Oliver, Palangas, Palazzo and Ulery, the day, illness.

Reps. Baines, Bicknell, W. Packy Campbell, William Chase, Clayton, Clemons, Gonzalez, Greco, Headd, Hellwig, Hogancamp, Hollinger, Lary, Matarazzo, Millham, Moody, Pepino, Serlin and Burton Williams, the day, important business.

Rep. Hagan, the day, illness in the family.

Rep. Paula Johnson, the day, death in the family.

INTRODUCTION OF GUESTS

Katherine Drisko, Taylor and Maggie Rose Pearson, wife and grandchildren of Rep. Drisko. Michael, Laura and Sarah Carenbauer, and Sik Yuk Lee, brother, sister-in-law, niece and guest, guests of Rep. Hamm. Jay Bowers, guest of Rep. Ryan. Presentation of Mary Academy 4th grade class, guests of the Hudson delegation. Patricia Higgins and Salim al-Khaldi, guests of the Hanover/Lyme delegation.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the House Rules be so far suspended as to permit the deadlines of:

Wednesday, March 30, 2005, the last day to act on House bills not in a second committee be moved to Wednesday, April 6, 2005;

Thursday, April 7, 2005, last day to report all House bills for action in 1st year session, last day to hold public hearing on retained House bills, and last day to report list of retained House bills, be moved to Thursday, April 14, 2005;

Wednesday, April 13, 2005, last day to act on House bills, CROSSOVER, be moved to Wednesday, April 20, 2005.

Rep. O'Neil spoke in favor.

Adopted by the necessary two-thirds.

CLERK'S NOTE

The Suspension of Rules pertains to the following House Bills:

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007.

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures.

HB 25-FN-A, making appropriations for capital improvements.

HB 59-FN-L, relative to municipal responsibility for septage disposal.

HB 78-FN-L, relative to state funding of regional vocational education centers.

HB 191-FN, relative to using school building aid for leased class.

HB 210-FN, relative to the determination of absence and return of contributions of members of the retirement system.

HB 216-FN, relative to the authority of the New Hampshire retirement system to purchase supplies and services.

HB 222-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system.

HB 234-FN, relative to the development of a closed state municipal information network by the office of information technology.

HB 304-FN-A, relative to federal highway grant anticipation bonds.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor.

HB 470-FN-A, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.

HB 601, allowing businesses to apply the investment tax credit to contributions made to scholarship funding organizations.

HB 613, exempting prepared take-out food items sold in supermarkets from the meals and rooms tax.

HB 671, relative to an exemption from the real estate transfer tax.

HB 679, authorizing the electronic enforcement of traffic signal violations.

HB 616-FN-L, revising the calculation and distribution of adequate education grants.

HB 643-FN, establishing an integrated criminal justice information system.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

HB 662-FN-A, making an appropriation to the department of health and human services for family mutual support services.

HB 670-FN-A, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program.

HB 686-FN, relative to the judicial branch family division.

HB 687-FN, relative to tuition waivers for children and spouses of members of the armed forces who die while on active duty.

HB 691-FN-L, relative to the medicaid program.

HB 698-FN, relative to penalty assessments.

HB 718-FN-A, relative to group life insurance for New Hampshire citizens serving in the military reserves or national guard and making an appropriation therefor.

HB 302, establishing a county mileage surcharge for service of documents by county sheriffs.

HB 313-FN, relative to registration of business entities.

HB 407-FN-L, relative to licensing of dogs.

HB 430-FN-A, establishing a one-day resident fishing license.

HB 477-FN, increasing registration fees for pesticides and commercial feeds.

HB 597-FN-A, relative to the natural heritage inventory program.

HB 651-FN-L, relative to federal lien registration.

HB 623-FN, relative to licensing requirements in the insurance and financial services industries.

HB 257, relative to emergency medical and trauma service protocols and quality assurance program.

HB 535-FN-A, increasing the tobacco tax.

SPECIAL ORDER

Rep. Carter moved that **CACR 17**, relating to the encouragement of literature. Providing that the importance of education to a prosperous and democratic society be considered when allocating the resources of the state, be made a Special Order as the first order of business after today's lunch recess. On a division vote, 162 members having voted in the affirmative and 149 in the negative, the motion to Special Order was adopted.

REGULAR CALENDAR – PART II (CONT'D.)

HB 132, relative to grounds for dismissal of a teacher. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. J. Timothy Dunn for the Majority of Education: This bill changes the grounds for mid-contract teacher dismissals and opens the door to contradictory local standards and arbitrary dismissals. Local school boards already have the authority and currently can dismiss any teacher who has not satisfactorily maintained the performance standards as stated in school district standards. This power is currently held jointly by administration and school boards. This bill is no longer necessary. Vote 12-10.

Rep. Mark S. Carter for the Minority of Education: Quite simply, this bill improves current law and enhances local control relative to teacher dismissal. RSA 189:13 allows a school board to dismiss for "incompetence," a highly subjective term. Under HB 132 a school board could dismiss a teacher "who has not satisfactorily maintained the performance standards established by the school district;" thus making the parameters for dismissal clear to all parties, and enhancing local control of teacher dismissal policy. This bill was supported by the New Hampshire School Boards Association, the New Hampshire School Administration Association, and the former State Board of Education Chairman. It was opposed only by the NEA. The minority believes that the broader cross section of the New Hampshire population represented by the House will support an Ought to Pass motion once the ITL motion is defeated.

Rep. Carter spoke against.

Rep. Dunn spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 161 NAYS 170

YEAS 161

BELKNAP

Heald, Bruce
Tobin, William

Morrison, Gail

Pilliod, James

Russell, David

CARROLL

Buco, Thomas	Knox, J David	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Theberge, Robert			

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Carlson, Donald
Chabot, Robert	Chase, Claudia	Cote, David	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Drisko, Richard
Essex, David	Foster, Linda	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Harvey, Suzanne
Hawkins, Ken	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Lasky, Bette	Martin, Mary Ellen	Messier, Irene
Movsesian, Lori	Pappas, Christopher	Pilote, Maurice	Rochette, Eric
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Smith, David	Souza, Kathleen	Sullivan, Francis
Velez, Hector			

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Currier, David
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Klose, John	L'Heureux, Stephen
Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Cali-Pitts, Jacqueline
Casey, Kimberley	DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth
Hughes, Daniel	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Norelli, Terie	Powers, James	Quandt, Marshall Lee
Quandt, Matthew	Robertson, Carl	Splaine, James	Wiley, Robert

STRAFFORD

Berube, Roger	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Cataldo, Sam	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Goodwin, Earle	Grassie, Anne	Hofemann, Roland	Johnson, Nancy
Kearns, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

NAYS 170**BELKNAP**

Allen, Janet
Flanders, Donald
Tilton, Franklin

Boyce, Laurie
Nedeau, Stephen
Veazey, John

Clark, Charles
Rosen, Ralph
Wendelboe, Fran

Fitzgerald, James
Thomas, John
Whalley, Michael

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Patten, Betsey

Babson, David Jr
Martin, James
Philbrick, Donald

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Morrow, Harry

CHESHIRE

Dexter, Judson
Pelkey, Stephen

Emerson, Susan
Sawyer, Sheldon

Foote, Sheila

Hunt, John

COOS

King, Frederick
Tholl, John Jr

Morneau, Renney

Richardson, Herbert

Stohl, Eric

GRAFTON

Barker, Robert
Maybeck, Margie
Ward, John

Gionet, Edmond
Mirski, Paul

Ham, Bonnie
Naro, Debra

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Barry, J Gail
Biundo, Michael
Carew, James
Coughlin, Pamela
Francoeur, Bea
Goyette, Peter Jr
Hirschmann, Keith
L'Heureux, Robert
Mead, Robert
Ober, Lynne
Ross, Lawrence
Sullivan, Peter
Wheeler, James

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Carter, Mark
Dokmo, Cynthia
Gargasz, Carolyn
Graham, John
Hunter, Bruce
Lessard, Rudy
Mooney, Maureen
Price, Pamela
Rowe, Robert
Tahir, Saghir
Wheeler, Robert

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Christensen, D L Chris
Elliott, Nancy
Gibson, John
Hansen, Ryan
Jasper, Shawn
Manney, Pamela
O'Brien, William
Reeves, Sandra
Slocum, Lee
Vaillancourt, Steve

Balboni, Michael
Bergin, Peter
Buhlman, David
Christiansen, Lars
Emerton, Larry
Golding, William
Hinkle, Peyton
Kurk, Neal
McRae, Karen
O'Connell, Timothy
Renzullo, Andrew
Stepanek, Stephen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Kennedy, Richard
Marple, Richard

Danforth, James
Kidder, David
Maxfield, Roy

Field, William
Langlais, Thomas

Hess, David
MacKay, James

ROCKINGHAM

Allen, Mary
Buxton, Donald
Charron, Gene
Dodge, Robert
Flanders, John Sr
Gilbert, Karl
Introne, Robert
Lund, Howie
McKinney, Betsy
Packard, Sherman

Belanger, Ronald
Cady, Harriet
Coburn, James
Dowd, John
Forsing, Robert
Gillick, Thomas
Itse, Daniel
Major, Norman
McMahon, Charles
Priestley, Anne

Bettencourt, David
Camm, Kevin
Cooney, Richard
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Johnson, Robert
Manning, John
Nowe, Ronald
Putnam, Ed II

Bishop, Franklin
Carson, Sharon
Dalrymple, Janeen
Fesh, Bob
Garrity, James
Ingram, Russell
Johnson, Rogers
Mason, April
O'Neil, Michael
Rausch, James

Rolston, James
Stiles, Nancy
Welch, David
Winchell, George

Sanders, Elisabeth
Stone, Joseph
Weldy, Norman
Zolla, William

Scamman, Stella
Waterhouse, Kevin
Wells, Roger

Smith, Paul
Weare, E Albert
Weyler, Kenneth

STRAFFORD

Sickford, David
Twombly, James

Chaplin, Duncan

Easson, Timothy

Newton, Clifford

SULLIVAN

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

and the majority committee report failed.

Rep. Carter moved Ought to Pass with Amendment and offered floor amendment (0930h).

Floor Amendment (0930h)

Amend RSA 189:13 as inserted by section 1 of the bill by replacing it with the following:

189:13 Dismissal of Teacher. The school board may dismiss any teacher found by them to be immoral [~~or incompetent~~], *or who has not satisfactorily maintained the performance standards established by the school district*, or one who [~~shall~~] *does* not conform to regulations prescribed; provided, that no teacher shall be so dismissed before the expiration of the period for which said teacher was engaged without having previously been notified of the cause of such dismissal, nor without having previously been granted a full and fair hearing

Rep. Carter spoke in favor and yielded to questions.

On a division vote, 193 members having voted in the affirmative and 141 in the negative, floor amendment (0930h) was adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.

Motion adopted and ordered to third reading.

HB 346-L, relative to the procedures for withdrawal from a multi-town school district. INEXPEDIENT TO LEGISLATE

Rep. Debra A. Naro for Education: The committee, due to a drafting error on the amendment, made a procedural decision to recommend inexpedient to legislate. This action was necessary as executive session occurred beyond the operational hours of the office of legislative services. The committee, with the cooperation of the prime sponsor, chose this course of action with the understanding that a floor amendment will be offered with committee support to overturn the inexpedient to legislate motion and offer a corrected amendment. Vote 17-1.

Rep. Stephen L'Heureux spoke against.

Committee report failed.

Rep. Drisko moved Ought to Pass and offered floor amendment (0912h).

Floor Amendment (0912h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the procedure for withdrawal from a cooperative school district.

Amend the bill by replacing all after the enacting clause with the following:

1 Cooperative School Districts; Procedure for Withdrawal. Amend RSA 195:25 to read as follows:

195:25 Procedure for Withdrawal. After the tenth anniversary of the date of operating responsibility, the school board of a cooperative school district may undertake a study of the feasibility and suitability of the withdrawal of one or more member districts from the cooperative district. A similar study shall be undertaken if, after the tenth anniversary of the date of operating responsibility, a pre-existing district shall, by a majority vote on a warrant article at a regular or special town meeting, direct the school board to conduct such a study. The study shall be conducted by a committee composed of at least one member of the school board from each of the pre-existing districts, one member of the board of selectmen from each town, and such other members as may be appointed by the committee. Within ~~[120]~~ 180 days after the date of its formation, the committee shall report its findings to the state board of education. ~~[The report may make a recommendation as to the withdrawal of a member district or districts; and, if this is done, the report shall contain a plan for the education of the pupils in the withdrawing district as well as in the cooperative district. The report shall further include a detailed analysis of the financial and educational consequences of the proposed withdrawal.]~~ *The committee shall submit to the state board of education either a report that withdrawal is not feasible or suitable, or*

a report that includes a withdrawal plan prepared in accordance with RSA 195:26. If the committee determines that withdrawal is not feasible or suitable, the town which voted to undertake the study may submit a minority report at the same time as the committee report is filed with the state board of education. If the committee report does not include a withdrawal plan, the minority report may include a withdrawal plan prepared in accordance RSA 195:26. If the state board approves a withdrawal plan, whether submitted by the committee or by minority report, the plan shall be submitted to the voters of the cooperative school district in accordance with RSA 195:29.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the procedure for withdrawal from a cooperative school district and allows the town which voted to undertake the withdrawal study to submit a minority report to the state board of education.

Floor amendment (0912h) adopted.

Motion of Ought to Pass with Amendment adopted.

Ordered to third reading.

HB 406, revising certain provisions of the home education statutes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy E. Easson for the Majority of Education: Currently, home school parents have to spend hours creating a curriculum for the year. Actual practice shows that the curriculum is often deviated from as the year progresses in order to provide further emphasis where needed, or to allow the teaching to become tailored to the child's interests. The philosophy behind the current home school laws is that the home schools achieve flexibility in curriculum and methods in exchange for producing results. If the specification of curriculum is removed, there will still be the requirement to teach required subjects per RSA 193-A: 4 and there will still be an evaluation process to ensure results per RSA 193-A: 6. The committee heard testimony that there is no correlation between the test scores of home schooled students and the amount of regulation on home school programs. The committee agreed that if regulation levels have no net effect on home schooled children's education progress, then reducing those regulations makes sense, as it can benefit those parents who otherwise must spend hours attempting to comply with regulations, and helps reduce unnecessary paperwork costs to local schools. Dozens of people attended the hearing during which there was no testimony against the bill. Vote 12-9.

Rep. Deanna P. Rush for the Minority of Education: This bill seeks to remove the oversight authority of the Commissioner of the Department of Education as it pertains to the planning of curriculum for home schooled students. Home schooled students are required (1) to give written notice to the state, (2) to submit a curriculum plan for approval, and (3) to perform an annual evaluation, usually a NEAP test. This bill would remove the second requirement of providing the State Department of Education with a curriculum plan. The minority of the committee feels that planning and developing curriculum guidelines is an important step in providing a good educational program for all children, and it recommends that we keep that requirement in statute.

Majority Amendment (0792h)

Amend the bill by deleting section 4 and renumbering the original sections 5-8 to read as 4-7, respectively.

Majority amendment adopted.

Rep. Rush spoke against.

Rep. Easson spoke in favor.

Rep. Newton requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 176 NAYS 162

YEAS 176

BELKNAP

Allen, Janet

Heald, Bruce

Thomas, John

Wendelboe, Fran

Boyce, Laurie

Nedeau, Stephen

Tilton, Franklin

Whalley, Michael

Clark, Charles

Rosen, Ralph

Tobin, William

Flanders, Donald

Russell, David

Veazey, John

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Babson, David Jr
Morrow, Harry

Brown, Carolyn
Olimpio, J Lisbeth

Chandler, Gene
Patten, Betsey

CHESHIRE

Emerson, Susan

Hunt, John

Pelkey, Stephen

Sawyer, Sheldon

COOS

King, Frederick
Richardson, Herbert

Merrick, Scott
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

GRAFTON

Barker, Robert
McLeod, Martha

Gionet, Edmond
Mirski, Paul

Ingbretson, Paul
Naro, Debra

Maybeck, Margie
Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Batula, Peter
Brassard, Paul
Carlson, Donald
Christiansen, Lars
Elliott, Nancy
Golding, William
Hinkle, Peyton
Kurk, Neal
Mead, Robert
Ober, Lynne
Rochette, Eric
Souza, Kathleen
Velez, Hector

Adams, Jarvis IV
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Coughlin, Pamela
Emerton, Larry
Goyette, Peter Jr
Hirschmann, Keith
L'Heureux, Robert
Messier, Irene
Price, Pamela
Ross, Lawrence
Stepanek, Stephen
Villeneuve, Maurice

Ailan, Nelson
Biundo, Michael
Buhlman, David
Chabot, Robert
Desmarais, Vivian
Francœur, Bea
Hansen, Ryan
Hunter, Bruce
Martin, Mary Ellen
Mooney, Maureen
Reeves, Sandra
Rowe, Robert
Tahir, Saghir
Wheeler, James

Balboni, Michael
Boehm, Ralph
Carew, James
Christensen, D L Chris
DeVries, Betsi
Gibson, John
Hawkins, Ken
Jasper, Shawn
McRae, Karen
O'Brien, William
Renzullo, Andrew
Slocum, Lee
Vaillancourt, Steve
Wheeler, Robert

MERRIMACK

Anderson, Eric
Hess, David
Langlais, Thomas
Whiting, Herbert

Currier, David
Kennedy, Richard
MacKay, James

Danforth, James
Klose, John
Marple, Richard

Field, William
L'Heureux, Stephen
Reed, Dennis

ROCKINGHAM

Allen, Mary
Cady, Harriet
Coburn, James
Dumaine, Dudley
Francœur, Sheila
Hopfgarten, Paul
Johnson, Robert
Kobel, Rudolph
McKinney, Betsy
Packard, Sherman
Rolston, James
Stone, Joseph
Weldy, Norman
Winchell, George

Bettencourt, David
Camm, Kevin
Dalrymple, Janeen
Fesh, Bob
Garritty, James
Ingram, Russell
Johnson, Rogers
Lund, Howie
McMahon, Charles
Putnam, Ed II
Sanders, Elisabeth
Waterhouse, Kevin
Wells, Roger
Zolla, William

Bishop, Franklin
Carson, Sharon
DiFruscia, Anthony
Flanders, John Sr
Gillick, Thomas
Introne, Robert
Katsakiores, George
Major, Norman
Nowe, Ronald
Quandt, Marshall Lee
Smith, Paul
Weare, E Albert
Weyler, Kenneth

Buxton, Donald
Charron, Gene
Dodge, Robert
Forsing, Robert
Griffin, Mary
Itse, Daniel
Katsakiores, Phyllis
Manning, John
O'Neil, Michael
Quandt, Matthew
Stiles, Nancy
Welch, David
Wiley, Robert

STRAFFORD

Bickford, David
Newton, Clifford

Cataldo, Sam
Twombly, James

Chaplin, Duncan

Easson, Timothy

SULLIVAN

Gale, Harry
Rodeschin, Beverly

Houde-Quimby, Charlotte

Irish, Christopher

Osgood, Philip Sr

NAYS 162**BELKNAP**

Fitzgerald, James

Morrison, Gail

Pilliod, James

CARROLL

Buco, Thomas

Dickinson, Howard

Knox, J David

Martin, James

Philbrick, Donald

CHESHIRE

Allen, Peter

Butcher, Suzanne

Butynski, William

Dexter, Judson

Dunn, J Timothy

Eaton, Daniel

Espiefs, Peter

Foote, Sheila

Mitchell, Bonnie

Parkhurst, Henry

Plifka, Stanley Jr

Pratt, John

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Tilton, Anna

Weed, Charles

COOS

Buzzell, Bernard

Mears, Edgar

Theberge, Robert

GRAFTON

Almy, Susan

Andersen, Gene

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Eaton, Stephanie

Ham, Bonnie

Hammond, Lee

Harding, A Laurie

Mulholland, Catherine

Nordgren, Sharon

Sokol, Hilda

Solomon, Peter

Ward, John

HILLSBOROUGH

Baroody, Benjamin

Barry, J Gail

Beaulieu, Jane

Bergin, Peter

Campbell, David

Chase, Claudia

Cote, David

Craig, James

Daniuk, Caitlin

Dokmo, Cynthia

Essex, David

Foster, Linda

Gargas, Carolyn

Garrity, Patrick

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Graham, John

Haley, Robert

Harvey, Suzanne

Holden, Randolph

Irwin, Anne-Marie

Jean, Claudette

Kopka, Angeline

Lasky, Bette

Lessard, Rudy

Manney, Pamela

Movsesian, Lori

O'Connell, Timothy

Pappas, Christopher

Pilotte, Maurice

Rosenwald, Cindy

Ryder, Donald

Schulze, Joan

Shaw, Barbara

Shaw, Kimberly

Smith, David

Sullivan, Francis

Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann, Donald

DeJoie, John

DeStefano, Stephen

Foosse, Robert

French, Barbara

Gile, Mary

Hamm, Christine

Kidder, David

Lockwood, Priscilla

Maxfield, Roy

McMahon, Patricia

Osborne, Jessie

Owen, Derek

Potter, Frances

Reardon, Tara

Rush, Deanna

Ryan, Jim

Shurtleff, Stephen

Tilton, Joy

Tupper, Frank

Wallner, Mary Jane

Walz, Mary Beth

Williams, Robert

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Asselin, Michael

Belanger, Ronald

Blanchard, MaryAnn

Bridle, Russell

Cali-Pitts, Jacqueline

Casey, Kimberley

Cooney, Richard

Dowd, John

Dowling, Patricia

Flockhart, Eileen

Gilbert, Karl

Gould, Kenneth

Hughes, Daniel

Langley, Jane

Mason, April

Norelli, Terie

Powers, James

Priestley, Anne

Rausch, James

Robertson, Carl

Scamman, Stella

Splaine, James

STRAFFORD

Berube, Roger

Brown, Jennifer

Brown, Julie

Brown, Lawrence

Callaghan, Frank

Cilley, Jacalyn

Creteau, Irene

Domingo, Baldwin

Dunlap, Patricia

Goodwin, Earle

Grassie, Anne

Hofemann, Roland

Johnson, Nancy

Keans, Sandra

Knowles, William

Miller, Joseph

Rollo, Michael

Rous, Emma

Schmidt, Peter

Smith, Marjorie

Snyder, Clair

Spang, Judith

Taylor, Kathleen

Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Phinizy, James

Ferland, Brenda
Prichard, Stephen

and the majority committee report was adopted.
Ordered to third reading.

HB 564, permitting the limited use of alcohol in high school culinary arts programs. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy E. Easson for Education: The committee heard testimony that high school culinary students could benefit from learning the uses of alcohol in cooking under supervision. While this may be a good idea for some advanced culinary programs in the state, the committee believes that it opens up schools to far too much liability for only a potentially negligible gain. It will be very difficult for schools to keep liquor and wine completely secure from students. Although the committee believes that students who are serious about pursuing culinary careers should learn about cooking with alcohol, it poses too much of a risk for public schools to assume the responsibility for providing instruction that already goes on at post-secondary culinary programs. Vote 12-5.

Rep. Lasky spoke against and yielded to questions.

Rep. Easson spoke in favor.

On a division vote, 204 members having voted in the affirmative and 135 in the negative, the committee report was adopted.

HB 721, prohibiting the department of education and the state board of education from adopting a definition of an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for the Majority of Education: The rulemaking notice promulgated last fall by the state board of education announcing revisions to the State Minimum Standards for school approval begins: "This rule establishes the substantive elements of an adequate public education ...according to the delegation of authority in RSA 21-N:9,I and RSA 186:8, I". This absolutely, totally and completely misstates both the board's powers and the authority that has been delegated to it. As the General Court has repeatedly asserted, and as the Supreme Court has repeatedly recognized, the General Court and the governor have the power to define a constitutionally adequate education. And that power has never, in any way, shape or form, been delegated to the state board of education or any other unelected bureaucracy. Indeed, the Supreme Court itself said in Claremont II "Thus in the first instance, it is the legislature's obligation, not that of individual members of the board of education, to establish educational standards that comply with constitutional requirements." The board's claim of authority to establish the elements of an adequate education cannot go unanswered lest some enterprising attorney cite our inaction as acquiescence and agreement with those fallacious assertions of power, thereby committing the General Court to funding all minimum standards promulgated by the board. Vote 13-2.

Rep. Deanna P. Rush for the Minority of Education: The minority of the committee feels that defining adequacy would be a joint role that the legislature share with the state board of education and the department of education. This bill had strong opposition from the New Hampshire School Board Association. They expressed support for a partnership between the legislature, the department of education and the state board of education. This bill is trying to prevent the department of education and the state board of education from doing what is within their field of expertise. The state board has a role in advocating for education.

Majority Amendment (0799h)

Amend paragraph IV of section 1 of the bill by replacing it with the following:

IV. The general court and governor have the power to define a constitutionally adequate education, and therefore any rules proposed or adopted by the department of education or the state board of education which purport to define an adequate education would be unconstitutional and null and void ab initio.

Majority amendment adopted.

Rep. Rous spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 243 NAYS 106**YEAS 243****BELKNAP**

Allen, Janet
Flanders, Donald
Rosen, Ralph
Tobin, William

Boyce, Laurie
Heald, Bruce
Russell, David
Veazey, John

Clark, Charles
Neddeau, Stephen
Thomas, John
Wendelboe, Fran

Fitzgerald, James
Pilliod, James
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Chandler, Gene
McConkey, Mark
Philbrick, Donald

Babson, David Jr
Dickinson, Howard
Merrow, Harry
Stevens, Stanley

Brown, Carolyn
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

CHESHIRE

Dexter, Judson
Hunt, John

Dunn, J Timothy
Pelkey, Stephen

Emerson, Susan
Roberts, Kris

Foote, Sheila
Sawyer, Sheldon

COOS

Buzzell, Bernard
Remick, William

King, Frederick
Richardson, Herbert

Merrick, Scott
Stohl, Eric

Morneau, Renney
Tholl, John Jr

GRAFTON

Barker, Robert
Ham, Bonnie
Naro, Debra

Eaton, Stephanie
Ingbretson, Paul
Sorg, Gregory

Gionet, Edmond
Maybeck, Margie
Ward, John

Giuda, Robert
Mirski, Paul

HILLSBOROUGH

Aboshar, Jeffrey
Barry, J Gail
Biundo, Michael
Carew, James
Christensen, D L Chris
Crane, Elenore Casey
Elliott, Nancy
Francoeur, Bea
Goyette, Peter Jr
Hawkins, Ken
Hunter, Bruce
Kurk, Neal
Manney, Pamela
Messier, Irene
Ober, Lynne
Rochette, Eric
Shaw, Kimberly
Tahir, Saghir
Wheeler, James

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Carlson, Donald
Christiansen, Lars
Desmarais, Vivian
Emerton, Larry
Gargas, Carolyn
Graham, John
Hinkle, Peyton
Infantine, William
L'Heureux, Robert
Martin, Mary Ellen
Mooney, Maureen
Price, Pamela
Ross, Lawrence
Slocum, Lee
Vaillancourt, Steve
Wheeler, Robert

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Clark, Mark
Dokmo, Cynthia
Essex, David
Gibson, John
Haley, Robert
Hirschmann, Keith
Irwin, Anne-Marie
Lawrence, James
McRae, Karen
O'Brien, William
Reeves, Sandra
Rowe, Robert
Souza, Kathleen
Velez, Hector

Balboni, Michael
Bergin, Peter
Buhlman, David
Chabot, Robert
Coughlin, Pamela
Drisko, Richard
Foster, Linda
Golding, William
Hansen, Ryan
Holden, Randolph
Jasper, Shawn
Lessard, Rudy
Mead, Robert
O'Connell, Timothy
Renzullo, Andrew
Ryder, Donald
Stepanek, Stephen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Field, William
Kennedy, Richard
Langlais, Thomas
Maxfield, Roy
Whiting, Herbert

Currier, David
Foose, Robert
Kidder, David
Lockwood, Priscilla
Reed, Dennis

Danforth, James
Hager, Elizabeth
Klose, John
MacKay, James
Soltani, Tony

DeStefano, Stephen
Hess, David
L'Heureux, Stephen
Marple, Richard
Tupper, Frank

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Lund, Howie	Major, Norman	Manning, John	Mason, April
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Parker, Benjamin	Priestley, Anne	Putnam, Ed II
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Smith, Paul	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Cataldo, Sam
Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy	Goodwin, Earle
Hofemann, Roland	Johnson, Nancy	Keans, Sandra	Knowles, William
Newton, Clifford	Rollo, Michael	Taylor, Kathleen	Twombly, James

SULLIVAN

Ferland, Brenda	Gale, Harry	Irish, Christopher	Osgood, Philip Sr
Rodeschin, Beverly			

NAYS 106**BELKNAP**

Morrison, Gail

None

CARROLL**CHESHIRE**

Allen, Peter	Butcher, Suzanne	Butynski, William	Eaton, Daniel
Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

Mears, Edgar	Theberge, Robert
--------------	------------------

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Campbell, David
Chase, Claudia	Cote, David	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Harvey, Suzanne	Jean, Claudette	Kopka, Angeline
Lasky, Bette	Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice
Rosenwald, Cindy	Schulze, Joan	Shaw, Barbara	Smith, David
Sullivan, Francis	Sullivan, Peter		

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
French, Barbara	Gile, Mary	Hamm, Christine	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley
Flockhart, Eileen	Norelli, Terie	Powers, James	Robertson, Carl
Splaine, James			

STRAFFORD

Brown, Jennifer	Brown, Lawrence	Callaghan, Frank	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Grassie, Anne	Kaen, Naida
Miller, Joseph	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinzy, James	Prichard, Stephen
Ordered to third reading.			

MOTION TO PRINT DEBATE

Rep. Camm moved that the debate on HB 721 be printed in the Permanent Journal. On a division vote, 137 members having voted in the affirmative and 209 in the negative, the motion failed.

(Deputy Speaker Weyler in the Chair)

CACR 20, relating to election of the attorney general. Providing that the attorney general shall be elected by the house of representatives and the senate. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard B. Drisko for the Majority of Election Law: This CACR provides for the attorney general to be elected by the House of Representatives and the Senate in the same manner as are the secretary of state and the state treasurer. The majority position weighed the record of a successful history of gubernatorial appointments against the inevitable negatives of politicizing the office. The general history of appointments has generated candidates of high quality. An open election might yield less capable attorneys general. The process does not seem to be broken. Vote 13-4.

Rep. James R. Splaine for the Minority of Election Law: The minority believes that having more people, rather than fewer people, involved in the selection of an important leader is a good thing. Right now, one person, the governor, selects the attorney general and must get three of the five executive councilors to confirm a four-year term. This bill allows for the 424 members of the house and senate to vote, providing for the same process as the selection of our secretary of state and state treasurer, an open process that has worked very well for many decades.

Reps. DiFruscia and Mirski spoke against and yielded to questions.

Rep. Splaine spoke against.

Rep. Drisko spoke in favor.

Rep. Hess spoke in favor and yielded to questions.

Rep. DiFruscia requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 253 NAYS 91

YEAS 253**BELKNAP**

Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Morrison, Gail	Neddeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Veazey, John
Whalley, Michael			

CARROLL

Ahlgren, Christopher
Chandler, Gene
McConkey, Mark
Philbrick, Donald

Babson, David Jr
Dickinson, Howard
Morrow, Harry
Stevens, Stanley

Brown, Carolyn
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

CHESHIRE

Butcher, Suzanne
Emerson, Susan
Mitchell, Bonnie
Richardson, Barbara
Tilton, Anna

Butynski, William
Espieffs, Peter
Parkhurst, Henry
Roberts, Kris
Weed, Charles

Dunn, J Timothy
Foote, Sheila
Pelkey, Stephen
Robertson, Timothy

Eaton, Daniel
Hunt, John
Plifka, Stanley Jr
Sawyer, Sheldon

COOS

King, Frederick
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Solomon, Peter

Andersen, Gene
Eaton, Stephanie
Mulholland, Catherine
Ward, John

Benn, Bernard
Ham, Bonnie
Nordgren, Sharon

Bleyler, Ruth
Hammond, Lee
Sokol, Hilda

HILLSBOROUGH

Aboshar, Jeffrey
Boehm, Ralph
Campbell, David
Christensen, D L Chris
DeVries, Betsi
Emerton, Larry
Garriy, Patrick
Graham, John
Hawkins, Ken
Infantine, William
Kopka, Angeline
Lessard, Rudy
Mooney, Maureen
Ober, Lynne
Reeves, Sandra
Ryder, Donald
Souza, Kathleen
Velez, Hector

Batula, Peter
Brassard, Paul
Carew, James
Coughlin, Pamela
Dokmo, Cynthia
Essex, David
Ginsburg, Ruth
Haley, Robert
Hebert, Raymond
Irwin, Anne-Marie
Kurk, Neal
Manney, Pamela
Movsesian, Lori
Pappas, Christopher
Rosenwald, Cindy
Schulze, Joan
Stepanek, Stephen
Villeneuve, Maurice

Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Daniuk, Caitlin
Drisko, Richard
Foster, Linda
Goley, Jeffrey
Hansen, Ryan
Hirschmann, Keith
Jasper, Shawn
L'Heureux, Robert
Martin, Mary Ellen
O'Brien, William
Pilotte, Maurice
Ross, Lawrence
Shaw, Kimberly
Sullivan, Francis
Wheeler, James

Biundo, Michael
Buhlman, David
Chabot, Robert
Desmarais, Vivian
Elliott, Nancy
Gargas, Carolyn
Goyette, Peter Jr
Harvey, Suzanne
Hunter, Bruce
Jean, Claudette
Lasky, Bette
Messier, Irene
O'Connell, Timothy
Price, Pamela
Rowe, Robert
Slocum, Lee
Tahir, Saghir
Wheeler, Robert

MERRIMACK

Anderson, Eric
Currier, David
Gile, Mary
Kidder, David
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Blanchard, Elizabeth
Danforth, James
Hager, Elizabeth
Klose, John
MacKay, James
Reardon, Tara
Tilton, Joy
Yeaton, Charles

Bouchard, Candace
Foosse, Robert
Hamm, Christine
L'Heureux, Stephen
Maxfield, Roy
Reed, Dennis
Walz, Mary Beth

Brueggemann, Donald
French, Barbara
Hess, David
Langlais, Thomas
Osborne, Jessie
Rush, Deanna
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Dalrymple, Janeen

Belanger, Ronald
Charron, Gene
Dodge, Robert

Bridle, Russell
Coburn, James
Dowd, John

Carson, Sharon
Cooney, Richard
Dowling, Patricia

Dumaine, Dudley
 Forsing, Robert
 Gould, Kenneth
 Johnson, Robert
 Langley, Jane
 Mason, April
 Packard, Sherman
 Putnam, Ed II
 Sanders, Elisabeth
 Stone, Joseph
 Wiley, Robert

Fesh, Bob
 Francoeur, Sheila
 Griffin, Mary
 Katsakiores, George
 Lund, Howie
 McKinney, Betsy
 Parker, Benjamin
 Rausch, James
 Scamman, Stella
 Waterhouse, Kevin
 Winchell, George

Flanders, John Sr
 Garrity, James
 Hughes, Daniel
 Katsakiores, Phyllis
 Major, Norman
 McMahon, Charles
 Powers, James
 Robertson, Carl
 Smith, Paul
 Weare, E Albert
 Zolla, William

Flockhart, Eileen
 Gillick, Thomas
 Ingram, Russell
 Kobel, Rudolph
 Manning, John
 O'Neil, Michael
 Priestley, Anne
 Rolston, James
 Stiles, Nancy
 Wells, Roger

STRAFFORD

Berube, Roger
 Brown, Lawrence
 Dunlap, Patricia
 Kaen, Naida
 Rollo, Michael
 Taylor, Kathleen

Bickford, David
 Callaghan, Frank
 Easson, Timothy
 Keans, Sandra
 Rous, Emma
 Wall, Janet

Brown, Jennifer
 Cilley, Jacalyn
 Goodwin, Earle
 Knowles, William
 Schmidt, Peter

Brown, Julie
 Domingo, Baldwin
 Johnson, Nancy
 Miller, Joseph
 Snyder, Clair

SULLIVAN

Converse, Larry
 Jillette, Arthur Jr

Donovan, Thomas
 Osgood, Philip Sr

Franklin, Peter
 Prichard, Stephen

Gale, Harry
 Rodeschin, Beverly

NAYS 91

BELKNAP

Boyce, Laurie

Rosen, Ralph

Tobin, William

Wendelboe, Fran

CARROLL

None

CHESHIRE

Allen, Peter

Dexter, Judson

COOS

Buzzell, Bernard

Merrick, Scott

Theberge, Robert

GRAFTON

Barker, Robert
 Ingretson, Paul

Gionet, Edmond
 Maybeck, Margie

Giuda, Robert
 Mirski, Paul

Harding, A Laurie
 Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
 Beaulieu, Jane
 Christiansen, Lars
 Francoeur, Bea
 Hinkle, Peyton
 Mead, Robert
 Smith, David

Allan, Nelson
 Bergin, Peter
 Clark, Mark
 Gibson, John
 Holden, Randolph
 Renzullo, Andrew
 Sullivan, Peter

Balboni, Michael
 Carlson, Donald
 Cote, David
 Golding, William
 Lawrence, James
 Rochette, Eric
 Vaillancourt, Steve

Barry, J Gail
 Chase, Claudia
 Crane, Elenore Casey
 Gorman, Mary
 McRae, Karen
 Shaw, Barbara

MERRIMACK

DeJoie, John
 McMahon, Patricia
 Tupper, Frank

Field, William
 Owen, Derek
 Wallner, Mary Jane

Kennedy, Richard
 Ryan, Jim

Marple, Richard
 Soltani, Tony

ROCKINGHAM

Allen, Mary
 Blanchard, MaryAnn

Asselin, Michael
 Buxton, Donald

Bettencourt, David
 Cady, Harriet

Bishop, Franklin
 Cali-Pitts, Jacqueline

Camm, Kevin
Hutchinson, Karen
Norelli, Terie
Splaine, James

DiFruscia, Anthony
Introne, Robert
Nowe, Ronald
Welch, David

Gilbert, Karl
Itse, Daniel
Quandt, Marshall Lee
Weldy, Norman

Hopfgarten, Paul
Johnson, Rogers
Quandt, Matthew

STRAFFORD

Cataldo, Sam
Hofemann, Roland
Twombly, James

Chaplin, Duncan
Newton, Clifford

Creteau, Irene
Smith, Marjorie

Grassie, Anne
Spang, Judith

SULLIVAN

Cloutier, John
Phinizy, James

Ferland, Brenda

Houde-Quimby, Charlotte

Irish, Christopher

and the majority committee report was adopted.

Rep. DeStefano did not vote and notified the Clerk that he wished to be recorded in favor.

HB 48, establishing a committee to study ballot reform. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Keith D. Hirschmann for the Majority of Election Law: This bill would establish a committee to study ballot reform proposals including the adoption of "instant runoff voting" and "none of the above" as an option. The majority felt this bill's aim of reform by considering "none of the above" as an option to a candidate named on the ballot makes a mockery of the New Hampshire system which the entire country holds the spot light on every four years. Also, "instant runoff voting" would inflict a whole new set of voting problems for our elective process. Vote 12-5.

Rep. Charles F. Weed for the Minority of Election Law: The minority of the Election Law Committee believes that HB 48 potentially provided a vehicle for ballot reform to increase participation in elections. Instant runoff voting would create the opportunity for a greater variety of issues and candidates before the electorate. This could be an effective response to the decline in voter participation rate.

Majority committee report adopted.

HB 183, relative to the nomination of political candidates. INEXPEDIENT TO LEGISLATE

Rep. William L. O'Brien for Election Law: This bill would amend the current law that allows a candidate who is nominated as a candidate as a result of running in a primary to also be a nominee of a different party, that is to say, on both sides of the ballot. The bill would forbid a candidate on any party's state primary election ballot from also being a nominee of a different party in the general election. The majority of the committee believes that it is improper to deny primary voters their choice as to who should be the nominees of their parties and thus have party committees make the selection under RSA 655:37. The voters' choices as to their nominees should be respected. Vote 12-5.

Committee report adopted.

HB 424-FN, prohibiting gifts to elected officials. OUGHT TO PASS WITH AMENDMENT

Rep. Michael D. Whalley for Election Law: This bill, as amended, prohibits any "Elected Official," meaning the governor, members of the executive council, members of the general court, county commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds and registers of probate, from knowingly accepting any gift of money, cash or equivalent, in any amount. "Gift" shall not include campaign contributions as defined in RSA 664, or a commercially reasonable loan made in the ordinary course of business. The committee has retained a number of bills that deal with, but are not limited to, gifts, reporting, contributions and conflicts of interest. The committee believes that a comprehensive review of these retained bills will produce additional recommendations at a later date. Vote 14-0.

Amendment (0852h)

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting the receipt of cash gifts by elected officials.

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. RSA 15-B:1 is repealed and reenacted to read as follows:

I. "Elected official" means the governor, members of the executive council, members of the general court, county commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds, and registers of probate.

II. "Gift" means any money in the form of cash, check, or other negotiable instrument of any value or a thing of value received with a value in excess of \$50. "Gift" shall not include contributions as defined in RSA 664; a commercially reasonable loan made in the ordinary course of business; meals and beverages consumed in the course of official business; ceremonial gifts or awards which have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; reasonable expenses for food, travel and lodging for an in-state meeting at which the elected official participates in a panel or a speaking engagement; gifts of tickets or free admission extended to an elected official to attend charitable or political events, if the purpose of such gift or admission is a courtesy customarily extended to the office; gifts of money or a thing of value received by an elected official that are purely private and personal in nature and would have been received even were the individual not an elected official, including but not limited to, gifts from relatives by blood or marriage, or a member of the same household. The term "gift" does not include income received by the official in his or her regular course of employment or business or salary, mileage, or expense payments made to the official by the state or county for performance of official duties.

III. "Honorarium" means a payment in the form of cash, check or other negotiable instrument of any value to an elected official for services on which no fee is set or legally obtainable.

2 New Section; Prohibition on Gifts. Amend RSA 15-B by inserting after section 1 the following new section:

15-B:1-a Prohibitions on Gifts. No elected official shall knowingly accept any gift of money in the form of cash, check, or other negotiable instrument of any value. This section shall not be construed to prevent receptions, breakfasts, luncheons, dinners, dances, or picnics or like events from being held for the sole purpose of raising political contributions, provided such contributions comply with and are reported as required by RSA 664.

3 Disclosure Required; Information Required. Amend RSA 15-B:2 and 2-a to read as follows:

15-B:2 Disclosure Required. Every elected state and county official, including members of the general court, shall file a statement annually with the secretary of state by June 15 showing any ~~[income]~~ **gift or honorarium** received by the official during the preceding 12 months ending June 1 ~~[from testimonials, gifts, honorariums, donations, or any other source]~~, when the receipt of such **[income] gift or honorarium** is attributable to the office held by the official. ~~[This report shall not include campaign contributions, income received by the official in his regular course of employment or business or salary, mileage, or expense payments made to the official by the state or county for performance of official duties for the preceding 12 months.]~~ The statement shall give in alphabetical order the full name, post office address, occupation, and principal place of business if any, of all contributors who gave an individual or an aggregate total of **gifts or honorarium having a value of** more than \$50 ~~[of such income]~~ and the date **each was** received. The statement shall be a public record under RSA 91-A. For the purpose of this section, "~~[income]~~ **gift or honorarium** attributable to the office held by the official" means any gift~~;~~ **or** honorarium~~[-or testimonial income]~~ which is received by an official in his **or her** official capacity, and which would not have been received by the official but for the office he holds.

15-B:2-a Information Required on Financial Disclosure Form.

~~[.]~~ Each elected official shall disclose any gift or honorarium the official received **with a value** in excess of \$50 and the nature and value of such gift. ~~[Each elected official shall disclose income received from an individual contributor through gifts and honorariums or, through gifts or honorariums which exceeds that individual contributor's aggregate total of \$50.]~~

H. ~~For testimonials, each elected official shall disclose the total amount of income received; the expenses of holding the testimonial, and the testimonial net income raised after paying those expenses. Each elected official shall also disclose income received from individual contributors in excess of \$50, and shall follow the disclosure requirements of RSA 15-B:2.]~~

4 Effective Date. This act shall take effect June 2, 2005.

AMENDED ANALYSIS

This bill prohibits the receipt of cash gifts by elected state and county officials.

Adopted.

Committee report adopted.

Ordered to third reading.

HB 458, allowing towns to permit limited youth voting in municipal elections. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William L. O'Brien for the Majority of Election Law: This proposed legislation would extend the voting franchise in municipal elections to individuals 14 through 17 years old by assigning them proportional voting on the following basis: Persons aged 14 and 15 years would be given a $\frac{1}{4}$ vote and persons aged 16 and 17 would be given a $\frac{1}{2}$ vote. The majority opposed this legislation for several reasons, including (1) designating any enfranchised persons as having lesser voting rights than others likely is a violation of the one person, one vote requirement of the U.S. Constitution, (2) it will produce a result where municipal elections are decided on fractional votes, (3) persons under the age of 18 are likely to be unduly influenced by adults and (4) it would complicate the work of election personnel and may increase the cost to towns and cities. Vote 10-4.

Rep. Charles F. Weed for the Minority of Election Law: The minority of the Election Law Committee believe that this bill would have enabled cities and towns who wished to allow minors, ages 14-17, to engage in regular elections with fractional votes in order to encourage civic responsibility and lifelong electoral participation.

Majority report adopted.

HB 289-FN, relative to registration fees for lobbying and lobbyists and requiring registration of employers of lobbyists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for the Majority Election Law: The motivation for this bill was to increase revenue to the secretary of state and the attorney general's office by raising the fee for registration of lobbyists. The testimony did not relate the fees to the cost of the operations of the two offices. Testimony spoke to the fairness of the current fees and should not be designed to discourage lobbying. The bill separated lobbying activities into two categories, for-profit and non-profit and listed a higher fee for the former and lower for the latter. The majority felt this was discriminatory. Despite the fact that the fees had not been increased since 1986, after testimony, the majority felt that they were adequate for the current level of service need. Vote 10-4.

Rep. Charles F. Weed for the Minority of Election Law: The minority disagrees and recommends ought to pass as amended. The state offices responsible for registering and monitoring lobbyists, the secretary of state and the attorney general, are already under resourced and will be incurring more responsibilities and costs in the future. We also believe it is appropriate to distinguish between for-profit and non-profit interests in determining fees. This bill would have raised between \$20 and \$25,000. The state has not increased the fees for lobbyists since 1986.

Rep. Weed spoke against.

Rep. Drisko spoke in favor.

Rep. Claudia Chase requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 188 NAYS 152

YEAS 188

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Neddeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	McConkey, Mark	Morrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Dexter, Judson	Emerson, Susan	Foot, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		

COOS

King, Frederick	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Eaton, Stephanie
Sorg, Gregory

Giuda, Robert
Ward, John

Mirski, Paul

Solomon, Peter

HILLSBOROUGH

Adams, Jarvis IV
Bergin, Peter
Buhlman, David
Christensen, D L Chris
Drisko, Richard
Garrity, Patrick
Hawkins, Ken
Hunter, Bruce
Kurk, Neal
Manney, Pamela
O'Connell, Timothy
Ross, Lawrence
Stepanek, Stephen
Wheeler, James

Allan, Nelson
Biundo, Michael
Carew, James
Clark, Mark
Emerton, Larry
Golding, William
Hebert, Raymond
Infantine, William
L'Heureux, Robert
Mead, Robert
Price, Pamela
Rowe, Robert
Sullivan, Francis
Wheeler, Robert

Balboni, Michael
Boehm, Ralph
Carlson, Donald
Coughlin, Pamela
Francoeur, Bea
Graham, John
Hinkle, Peyton
Jasper, Shawn
Lawrence, James
Movesian, Lori
Reeves, Sandra
Ryder, Donald
Tahir, Saghir

Batula, Peter
Brundige, Robert
Chabot, Robert
Dokmo, Cynthia
Gargaszy, Carolyn
Hansen, Ryan
Hirschmann, Keith
Jean, Claudette
Lessard, Rudy
O'Brien, William
Rosenwald, Cindy
Slocum, Lee
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Hess, David
Langlais, Thomas
Reardon, Tara

Blanchard, Elizabeth
Kidder, David
Lockwood, Priscilla
Reed, Dennis

Danforth, James
Klose, John
MacKay, James
Whiting, Herbert

Hager, Elizabeth
L'Heureux, Stephen
Maxfield, Roy

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Charron, Gene
Dodge, Robert
Fesh, Bob
Garrity, James
Griffin, Mary
Itse, Daniel
Katsakiores, Phyllis
Manning, John
Nowe, Ronald
Priestley, Anne
Sanders, Elisabeth
Stiles, Nancy
Welch, David
Zolla, William

Allen, Mary
Bridle, Russell
Coburn, James
Dowd, John
Flanders, John Sr
Gilbert, Karl
Hutchinson, Karen
Johnson, Robert
Kobel, Rudolph
Mason, April
O'Neil, Michael
Rausch, James
Scamman, Stella
Stone, Joseph
Wells, Roger

Asselin, Michael
Camm, Kevin
Cooney, Richard
Dowling, Patricia
Forsing, Robert
Gillick, Thomas
Ingram, Russell
Johnson, Rogers
Lund, Howie
McKinney, Betsy
Packard, Sherman
Robertson, Carl
Scamman, W Douglas
Waterhouse, Kevin
Wiley, Robert

Belanger, Ronald
Carson, Sharon
Dalrymple, Janeen
Dumaine, Dudley
Francoeur, Sheila
Gould, Kenneth
Introne, Robert
Katsakiores, George
Major, Norman
McMahon, Charles
Parker, Benjamin
Rolston, James
Smith, Paul
Weare, E Albert
Winchell, George

STRAFFORD

Berube, Roger
Chaplin, Duncan
Newton, Clifford

Bickford, David
Dunlap, Patricia
Rollo, Michael

Callaghan, Frank
Easson, Timothy
Twombly, James

Cataldo, Sam
Knowles, William
Wall, Janet

SULLIVAN

Gale, Harry

Irish, Christopher

Jillette, Arthur Jr

Rodeschin, Beverly

NAYS 152**BELKNAP**

Fitzgerald, James

Morrison, Gail

Rosen, Ralph

Tilton, Franklin

CARROLL

Buco, Thomas

Martin, James

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
------------------	--------------	----------------	------------------

GRAFTON

Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Gionet, Edmond	Ham, Bonnie
Hammond, Lee	Harding, A Laurie	Maybeck, Margie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	

HILLSBOROUGH

Aboshar, Jeffrey	Barry, J Gail	Bergeron, Jean-Guy	Brassard, Paul
Campbell, David	Chase, Claudia	Christiansen, Lars	Cote, David
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Elliott, Nancy	Essex, David	Foster, Linda	Gibson, John
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Haley, Robert	Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie
Kopka, Angeline	Lasky, Bette	Martin, Mary Ellen	McRae, Karen
Messier, Irene	Mooney, Maureen	Ober, Lynne	Pappas, Christopher
Pilotte, Maurice	Renzullo, Andrew	Rochette, Eric	Schulze, Joan
Shaw, Barbara	Shaw, Kimberly	Smith, David	Souza, Kathleen
Sullivan, Peter	Vaillancourt, Steve	Velez, Hector	

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	DeStefano, Stephen	Field, William
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Kennedy, Richard	Marple, Richard	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Buxton, Donald	Cady, Harriet
Cali-Pitts, Jacqueline	Casey, Kimberly	DiFruscia, Anthony	Flockhart, Eileen
Hopfgarten, Paul	Hughes, Daniel	Langley, Jane	Norelli, Terie
Powers, James	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Splaine, James	Weldy, Norman		

STRAFFORD

Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Goodwin, Earle	Grassie, Anne	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Miller, Joseph
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen			

and the majority committee report was adopted.

UNANIMOUS CONSENT

Rep. Easson addressed the House.
The House recessed at 12:20 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 1:20 p.m.

MOTION TO VACATE

Rep. Dokmo moved that the House vacate the reference of **SB 19**, relative to qualifications to sell lottery, bingo and lucky 7 tickets, and **SB 48**, prohibiting unlawful peering into the dwelling place of another, to the Committee on Judiciary.

Motion adopted.

The Speaker referred **SB 19**, relative to qualifications to sell lottery, bingo and lucky 7 tickets to the Committee on Executive Departments and Administration, and **SB 48**, prohibiting unlawful peering into the dwelling place of another, to the Committee on Criminal Justice and Public Safety.

(Deputy Speaker Weyler in the Chair)**SPECIAL ORDER**

CACR 17, relating to the encouragement of literature. Providing that the importance of education to a prosperous and democratic society be considered when allocating the resources of the state. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deanna P. Rush for the Majority of Education: **CACR 17** removes the word "cherish" from our state constitution. One may recall that the word "cherish" was the central argument that was used by the courts in the Claremont school funding rulings. By removing the word "cherish," some feel it would open the door to a different interpretation for school funding. It was also felt by the majority of the committee that the proposed wording change in the New Hampshire constitution was not clearly stated, and would result in voter confusion. This bill could also remove the state's responsibility to fund public education. Vote 12-10.

Rep. Mark S. Carter for the Minority of Education: **CACR 17** would allow the people of New Hampshire to exercise their right to amend the constitution relative to education funding, and to re-assert the authority of the legislature over education funding policy in the state. It is unconscionable to the minority, that after eight years of education funding turmoil, the people of the state have yet to be allowed their constitutional voice in the matter.

Rep. Carter spoke against.

Rep. Elizabeth Blanchard spoke in favor.

Rep. Giuda spoke against and yielded to questions.

Rep. Rush spoke in favor and yielded to questions.

(Speaker Scamman in the Chair)

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 185 NAYS 162

YEAS 185**BELKNAP**

Boyce, Laurie
Pilliod, James

Fitzgerald, James
Rosen, Ralph

Heald, Bruce
Tobin, William

Morrison, Gail

CARROLL

Buco, Thomas
Olimpio, J Lisbeth

Knox, J David

Martin, James

McConkey, Mark

CHESHIRE

Allen, Peter
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Roberts, Kris

Butynski, William
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

Dexter, Judson
Foote, Sheila
Pratt, John
Tilton, Anna

COOS

King, Frederick
Theberge, Robert

Mears, Edgar

Merrick, Scott

Remick, William

GRAFTON

Almy, Susan
Hammond, Lee
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Harding, A Laurie
Naro, Debra

Benn, Bernard
McLeod, Martha
Nordgren, Sharon

Cooney, Mary
Mirski, Paul
Sokol, Hilda

HILLSBOROUGH

Balboni, Michael
Campbell, David
Cote, David
DeVries, Betsi
Foster, Linda
Ginsburg, Ruth
Harvey, Suzanne
Jean, Claudette
Lefebvre, Roland
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Kimberly
Vaillancourt, Steve

Beaulieu, Jane
Carlson, Donald
Craig, James
Dokmo, Cynthia
Francoeur, Bea
Goley, Jeffrey
Hinkle, Peyton
Kopka, Angeline
Messier, Irene
Pappas, Christopher
Ryder, Donald
Smith, David
Velez, Hector

Bergin, Peter
Chabot, Robert
Daniuk, Caitlin
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Holden, Randolph
Lasky, Bette
Mooney, Maureen
Pilotte, Maurice
Schulze, Joan
Sullivan, Francis

Brassard, Paul
Chase, Claudia
Desmarais, Vivian
Essex, David
Garrity, Patrick
Haley, Robert
Irwin, Anne-Marie
Lawrence, James
Movsesian, Lori
Rochette, Eric
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth
DeStefano, Stephen
Hamm, Christine
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Williams, Robert

Bouchard, Candace
French, Barbara
Langlais, Thomas
Owen, Derek
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Brueggemann, Donald
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

DeJoie, John
Hager, Elizabeth
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn
Cooney, Richard
Johnson, Robert
Pantelakos, Laura
Robertson, Carl

Allen, Mary
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Langley, Jane
Parker, Benjamin
Splaine, James

Asselin, Michael
Casey, Kimberley
Flockhart, Eileen
Mason, April
Powers, James
Wells, Roger

Bishop, Franklin
Coburn, James
Gould, Kenneth
Norelli, Terie
Rausch, James
Zolla, William

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Jennifer
Cilley, Jacalyn
Goodwin, Earle
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Grassie, Anne
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

Brown, Lawrence
Domingo, Baldwin
Heon, Richard
Keans, Sandra
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gale, Harry
Phinizz, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Irish, Christopher

NAYS 162**BELKNAP**

Allen, Janet
Russell, David
Wendelboe, Fran

Clark, Charles
Thomas, John
Whalley, Michael

Flanders, Donald
Tilton, Franklin

Nedeau, Stephen
Veazey, John

CARROLL

Ahlgren, Christopher
Dickinson, Howard

Babson, David Jr
Merrow, Harry

Brown, Carolyn
Patten, Betsey

Chandler, Gene
Stevens, Stanley

CHESHIRE

Emerson, Susan

Hunt, John

Pelkey, Stephen

Sawyer, Sheldon

COOS

Morneau, Renney

Richardson, Herbert

Stohl, Eric

Tholl, John Jr

GRAFTON

Barker, Robert
Ham, Bonnie

Eaton, Stephanie
Maybeck, Margie

Gionet, Edmond
Sorg, Gregory

Giuda, Robert
Ward, John

HILLSBOROUGH

Aboshar, Jeffrey
Batula, Peter
Brundige, Robert
Christensen, D L Chris
Crane, Elenore Casey
Golding, William
Hawkins, Ken
Infantine, William
Manney, Pamela
Ober, Lynne
Ross, Lawrence
Souza, Kathleen
Wheeler, James

Adams, Jarvis IV
Bergeron, Jean-Guy
Buhlman, David
Christiansen, Lars
Elliott, Nancy
Goyette, Peter Jr
Hebert, Raymond
Jasper, Shawn
McRae, Karen
Price, Pamela
Rowe, Robert
Stepanek, Stephen
Wheeler, Robert

Allan, Nelson
Biundo, Michael
Carew, James
Clark, Mark
Emerton, Larry
Graham, John
Hirschmann, Keith
Kurk, Neal
Mead, Robert
Reeves, Sandra
Scanlon, Michael
Tahir, Saghir

Barry, J Gail
Boehm, Ralph
Carter, Mark
Coughlin, Pamela
Gibson, John
Hansen, Ryan
Hunter, Bruce
L'Heureux, Robert
O'Brien, William
Renzullo, Andrew
Slocum, Lee
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Kennedy, Richard
MacKay, James

Currier, David
Kidder, David
Marple, Richard

Danforth, James
Klose, John
Maxfield, Roy

Field, William
L'Heureux, Stephen
Reed, Dennis

ROCKINGHAM

Bettencourt, David
Camm, Kevin
Dodge, Robert
Dumaine, Dudley
Francoeur, Sheila
Headd, James
Ingram, Russell
Katsakiores, George
Major, Norman
Moore, Benjamin
Packard, Sherman
Quandt, Matthew
Smith, Paul
Weare, E Albert
Wiley, Robert

Bridle, Russell
Carson, Sharon
Donahue, Richard Ken
Fesh, Bob
Garritty, James
Hopfgarten, Paul
Introne, Robert
Katsakiores, Phyllis
Manning, John
Morris, Richard
Priestley, Anne
Rolston, James
Stiles, Nancy
Welch, David
Winchell, George

Buxton, Donald
Charron, Gene
Dowd, John
Flanders, John Sr
Gillick, Thomas
Hughes, Daniel
Itse, Daniel
Kobel, Rudolph
McKinney, Betsy
Nowe, Ronald
Putnam, Ed II
Sanders, Elisabeth
Stone, Joseph
Weldy, Norman

Cady, Harriet
Dalrymple, Janeen
Dowling, Patricia
Forsing, Robert
Griffin, Mary
Hutchinson, Karen
Johnson, Rogers
Lund, Howie
McMahon, Charles
O'Neil, Michael
Quandt, Marshall Lee
Scamman, Stella
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Bickford, David
Newton, Clifford

Cataldo, Sam
Twombly, James

Chaplin, Duncan

Easson, Timothy

SULLIVAN

Osgood, Philip Sr
and the majority committee report was adopted.

Rodeschin, Beverly

HB 255, establishing a committee to study the pricing of milk. OUGHT TO PASS WITH AMENDMENT

Rep. Burton W. Williams for Environment and Agriculture: Milk pricing is done on a regional basis. A study committee is necessary to insure New Hampshire dairy farmers are being treated fairly. Vote 13-4.

Amendment (0764h)

Amend the introductory paragraph of paragraph I of section 2 of the bill by replacing it with the following:

I. The members of the committee should have knowledge of the dairy industry and shall be as follows:

Adopted.

Committee report adopted and ordered to third reading.

HB 275, defining farmers' market. OUGHT TO PASS

Rep. Burton W. Williams for Environment and Agriculture: Farmer's markets are expanding in New Hampshire every year. Although the wording "farmer's markets" appear in statutes many times, it is appropriate that a true definition be put in statutes. Vote 16-1.

Committee report adopted and ordered to third reading.

HB 432-FN, relative to the septage handling and treatment facilities grant program. OUGHT TO PASS WITH AMENDMENT

Rep. Timothy D. O'Connell for Environment and Agriculture: Initially the position of septage coordinator was general funded and supported by a fee of \$10.00 derived from design permits of disposal systems. Recently the coordinator has been supported by federal funds. HB 432 allows the collected design fees, if not needed to support the septage coordinator, to be applied to the Septage Handling and Treatment Facilities Grant Program. Presently New Hampshire's capacity for safely treating septage is at risk with over 25% being exported to other states. The amendment extends the temporary authority to allow the land application of biosolids to those sites originally grandfathered. HB 722, the result of a study commission report of September 2004, has been retained to allow final resolution of this issue next season. Vote 13-2.

Amendment (0872h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the septage handling and treatment facilities grant program and the septage and sludge land application restrictions.

Amend the bill by replacing all after section 1 with the following:

2 Temporary Use Authorization; Time Extended. Amend 1998, 56:6 as amended by 2003, 43:14 and 2003, 302:3 to read as follows:

56:6 Temporary Use Authorization. The septage and sludge land application restrictions contained in RSA 483:9, VI(c), RSA 483:9-a, VII(b), RSA 483:9-aa, VII(b), and RSA 483:9-b, VII(b) shall not apply until July 1, [2005] 2007 to any land upon which septage or sludge has been spread in accordance with all applicable rules adopted by the federal Environmental Protection Agency and the New Hampshire department of environmental services, during any portion of the 3-year period prior to January 1, 1998. In addition, there shall be no termination of this restriction exemption for qualifying land that is used for scientific research on septage or sludge. Any continued application of septage and sludge pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 2005.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the department of environmental services to use certain fees for the septage handling and treatment facilities grant program. This bill also extends the temporary use authorization for septage and sludge land application until July 1, 2007.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 517, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste.
OUGHT TO PASS WITH AMENDMENT

Rep. Timothy D. O'Connell for Environment and Agriculture: It is apparent to the majority that a comprehensive study of the disposal of construction and demolition waste is essential to reach consensus on this complex issue. In addition the bill enacts a moratorium on the incineration of C & D waste until July 1, 2006. Municipal waste combustors currently licensed are exempt from the moratorium. At this time no other facilities burning wood, separated from C & D debris, are permitted and operating in New Hampshire. The study committee will issue a preliminary report by November 1, 2005 and a final report on or before July 1, 2006 to coincide with the expiration of the moratorium. Vote 15-3.

Amendment (0879h)

Amend section 3 of the bill by inserting after paragraph IV the following new paragraph:

V. Evolving emissions control technology and its appropriate application to issuing permits for the incineration of construction and demolition waste.

Amend the bill by replacing sections 5 and 6 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library. A preliminary report shall be submitted on or before November 1, 2005, and a final report shall be submitted on or before July 1, 2006.

6 Incineration Moratorium. Notwithstanding any provision of law to the contrary, there is hereby established a moratorium on the disposal of construction and demolition waste by incineration until July 1, 2006. This moratorium shall not apply to any municipal waste combustor subject to RSA 125-M, or to any municipal incinerator as defined in RSA 149-M, that is permitted by the department of environmental services and was in operation on January 1, 2005.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 677-FN, establishing fees and reporting requirements for the storage of hazardous materials.
INEXPEDIENT TO LEGISLATE

Rep. Ryan N. Hansen for Environment and Agriculture: This bill sought a permanent funding source for the state's hazardous materials teams. Homeland Security grants allowed the HazMat teams to rapidly develop to their current levels over the past three years, and the sunseting of those grants forces these teams to seek alternative sources for funding to operate at their existing levels of preparedness. The bill contained many technical ambiguities, an inability to articulate the dollars to be raised, questionable recommendations for sources of revenue and an uncertain impact on the New Hampshire business community. While the committee recognizes the value of our HazMat teams and their need for funding, it became clear this vehicle was not the right solution, forcing the committee to recommend ITL in hope of seeing a better bill in the future. Vote 14-4. Committee report adopted.

HB 56, relative to food safety in restaurants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alida I. Millham for the Majority of Executive Departments and Administration: Food safety in the preparation and serving of food is important not only for the people of New Hampshire but for the many thousands of people who visit New Hampshire. This legislation would assure that at least one person in a food serving establishment will have passed a food safety test covering such information as what to know about buying food, how to store food safely; how to safely prepare and serve food. Each establishment will post the certificate of passing the test. There are exemptions for farm stands and occasional food service events. All programs offered in New Hampshire are low in cost and able to accommodate people who are unable to read English. There are no financial implications for the state. Vote 11-4.

Rep. Janeen A. Dalrymple for the Minority of Executive Departments and Administration: This bill will impose a mandatory requirement for food establishments to have an on site certified food safety manager. This, in theory, will ensure the proper handling of food preparation. New Hampshire currently has 6500-7000 licensed food establishments. HB 56 has no provision for Health and Human Services involvement in the administration of this program. At this time, the Hotel and Lodging Association conducts classes and administers the test for a fee of \$125. Other op-

tions include online programs or University of New Hampshire extension courses that cost from \$60 to \$300. The bill does not address the multiple barriers for those individuals who have language or reading difficulties and consequences for failure to pass the test. This bill will also require replacement of a certified manager within 60 days and for smaller food establishments, this regulation places an undue costly burden. There are 138 pages of rules for food safety handling in New Hampshire administered by the Department of Health and Human Services. Each food establishment undergoes regular public health inspections and those inspections are based on compliance of food safety regulations. Testimony from the Department of Public Health last year, indicated there were 120 reported cases of food borne illness in relation to the millions of meals prepared. And they further stated of those cases, it was difficult to identify how many complaints were related to improper food handling. Consequently, there is no clear benefit that introducing this additional regulation will reduce the incidence of the number of accidental incidences of food borne illness caused by improper food handling.

Majority Amendment (0474h)

Amend the bill by replacing all after section 1 with the following:

2 Food Service Licensure; Certified Food Protection Manager Defined. Amend RSA 143-A:3, 1 to read as follows:

1. "Certified food protection manager" means a person who meets the requirements of RSA 143-A:9-c.

I-a. "Commissioner" means the commissioner of the department of health and human services.

3 Food Service Licensure; Definition. Amend RSA 143-A:3, V to read as follows:

V. "Occasional food service establishment" means any food service establishment operated by a private or public organization or institution, whether profit or nonprofit, which prepares food or drink for sale or for service, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge, no more than ~~[96 hours at no fewer than 3 hours a day]~~ 4 days during a 30-day period. This definition shall not apply to the following non-profit entities which do not offer regularly-scheduled weekday meal service: extracurricular school events; non-profit sporting events; religious activities; or non-profit service organizations.

4 New Paragraph; Definitions Added. Amend RSA 143-A:3 by inserting after paragraph VI the following new paragraph:

VI-a. "Potentially hazardous food" means:

(a) A food which is natural or synthetic and is in a form capable of supporting the:

(1) Rapid and progressive growth of infectious or toxigenic microorganisms;

(2) Growth and toxin production of Clostridium botulinum; or

(3) In raw shell eggs, the growth of Salmonella enteritidis; and

(b) Which is further defined by the United States Public Health Service Food Code adopted by the federal Food and Drug Administration.

5 New Subdivision; Food Service Licensure; Requirement of Certain Establishments to Have a Certified Food Protection Manager. Amend RSA 143-A by inserting after section 9-a the following new subdivision:

Food Protection Manager Certification

143-A:9-b Certified Food Protection Manager Requirement.

I.(a) Except as provided in paragraph II, each food service establishment licensed under RSA 143-A serving a potentially hazardous food shall assign at least one employee to be a certified food protection manager.

(b) A food protection manager shall have the responsibility to ensure that appropriate food safety practices are observed. The food protection manager may have supervisory or training responsibilities at the food service establishment.

(c) A food protection manager shall not be required to be on duty during all of the hours of operation of the food service establishment.

II. No person shall use the title "certified food protection manager" or in any way present himself or herself as a certified food protection manager unless he or she holds a current certificate from a certification program which meets the Conference for Food Protection standards for training, testing, and certification.

III. The following establishments shall not be required to assign a person who is a certified food protection manager:

(a) Food service establishments that serve only commercially pre-packaged foods and beverages, commercially pre-cooked potentially hazardous foods that are dispensed in a manner that minimizes contamination of the food, or commercially prepared cold foods not requiring any further preparation and dispensed or packaged immediately to the consumer in a manner that minimizes contamination of the food.

(b) Home food manufacturers and bed and breakfast establishments.

(c) Farm stands as described in RSA 21:34-a.

(d) Public elementary and secondary school cafeterias licensed under this chapter.

IV. Businesses that have multiple food service settings within a single, physical and geographically contiguous location are required to employ only one certified food protection manager.

V. The commissioner may by rule pursuant to RSA 541-A, establish an exemption for other small food service establishments.

143-A:9-c Certified Food Protection Managers. Each certified food protection manager shall:

I. Be at least 18 years of age.

II. Pass a food protection manager certification test, which may be written or oral, that meets the standards of the Conference for Food Protection.

III. Be recertified at least every 5 years.

143-A:9-d Termination of Food Protection Manager; New or Changed Ownership.

I. Upon termination of the employment of a certified food protection manager, the food service establishment where the manager was employed shall have 60 days to assign a new certified food protection manager in accordance with RSA 143-A:9-c.

II. Establishments that are new or have changed ownership shall meet the requirements of this section within 90 days of initial operation.

143-A:9-e Display of Certificate. Food protection manager certificates shall be:

I. Prominently posted in the establishment next to the food service license to operate; and

II. Removed when the certified food protection manager identified in the certificate is no longer employed by the establishment.

6 New Paragraph; Food Service Licensure; Rulemaking. Amend RSA 143-A:9 by inserting after paragraph I-a the following new paragraph:

I-b. The application process for certification of food protection managers, recertification requirements for certified food protection managers, and administrative fines for violations of provisions of this chapter relative to certified food protection managers.

7 Applicability. Notwithstanding RSA 143-A:9-b – RSA 143-A:9-e, no food service establishment licensed under RSA 143-A which serves potentially hazardous food shall be required to assign a person who is a certified food protection manager until July 1, 2006.

8 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill:

(1) Requires food service establishments, unless exempted, to assign at least one full-time employee to be a certified food protection manager.

(2) Establishes a definition of certified food protection manager.

(3) Grants the commissioner of health and human services certain rulemaking authority.

(4) Provides that food service establishments shall not be required to have a certified food protection manager until July 1, 2006.

(5) Clarifies the definition of occasional food service establishment in the food service licensure statute.

The question being adoption of the majority committee amendment.

On a division vote, 211 members having voted in the affirmative and 133 in the negative, the majority committee amendment was adopted.

Majority committee report adopted.

Ordered to third reading.

HB 307, establishing a committee to study the feasibility of licensing residential building and remodeling contractors. **OUGHT TO PASS**

Rep. Janeen A. Dalrymple for Executive Departments and Administration: The committee heard testimony from consumers and the building trades industry. It was concluded that in order to alleviate any inappropriate practices including consumer fraud and low quality workmanship, a study on licensing should be conducted. Vote 11-5.

Committee report adopted and ordered to third reading.

HB 502-FN, allowing certain surviving spouses to receive a retirement system death benefit. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would allow a surviving spouse of a retirement system member to receive a retirement system optional allowance when a member was at least 59 years old rather than 60 years old as previously required, with 20 years of service and who was eligible for a retirement system allowance. The committee was not willing to bend the rules to reduce the age requirement to accommodate a single person or others who may later found to be eligible to receiving a greater benefit. Vote 10-4.

Rep. Cloutier spoke against.

Rep. Zolla spoke in favor.

On a division vote, 213 members having voted in the affirmative and 126 in the negative, the committee report was adopted.

HB 555, establishing February 6 as Ronald Reagan Day. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: The committee heard very passionate testimony on why New Hampshire should have in statute a Ronald Reagan Day. Although a great number of the committee members agreed that President Reagan was in fact a great president, we could not agree to have this in state statute. The ability to have a proclamation signed by the governor each year would in fact carry greater weight because someone will have to initiate this process each year. It was also brought up that in the last session we renamed a mountain in the Presidential Range Mt. Reagan. This was the third bill we had that wanted to name a day or month for someone or for a group. The decision we reached here was the same as we reached on the other bills. Vote 15-1.

Reps. Paul Smith, Velez and Bettencourt spoke against.

Rep. Hawkins spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 208 NAYS 136

YEAS 208

BELKNAP

Allen, Janet	Flanders, Donald	Heald, Bruce	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Knox, J David	Olimpio, J Lisbeth	Patten, Betsey	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	

COOS

King, Frederick	Mears, Edgar	Merrick, Scott	Theberge, Robert
Toll, John Jr			

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Eaton, Stephanie	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Allan, Nelson
 Brassard, Paul
 Cote, David
 Drisko, Richard
 Gargas, Carolyn
 Goley, Jeffrey
 Harvey, Suzanne
 Jean, Claudette
 Messier, Irene
 Pappas, Christopher
 Rosenwald, Cindy
 Schulze, Joan
 Sullivan, Francis
 Wheeler, Robert

Baroody, Benjamin
 Campbell, David
 Craig, James
 Emerton, Larry
 Garrity, Patrick
 Gorman, Mary
 Hawkins, Ken
 Kopka, Angeline
 Movsesian, Lori
 Pilotte, Maurice
 Ross, Lawrence
 Shaw, Barbara
 Sullivan, Peter

Beaulieu, Jane
 Chabot, Robert
 Daniuk, Caitlin
 Essex, David
 Ginsburg, Ruth
 Graham, John
 Hunter, Bruce
 Lasky, Bette
 O'Connell, Timothy
 Price, Pamela
 Ryder, Donald
 Shaw, Kimberly
 Vaillancourt, Steve

Bergin, Peter
 Chase, Claudia
 DeVries, Betsi
 Foster, Linda
 Golding, William
 Haley, Robert
 Irwin, Anne-Marie
 Lefebvre, Roland
 Ober, Lynne
 Rochette, Eric
 Scanlon, Michael
 Smith, David
 Villeneuve, Maurice

MERRIMACK

Blanchard, Elizabeth
 DeStefano, Stephen
 Hamm, Christine
 Marple, Richard
 Reardon, Tara
 Shurtleff, Stephen
 Walz, Mary Beth

Bouchard, Candace
 French, Barbara
 Kidder, David
 Osborne, Jessie
 Reed, Dennis
 Tilton, Joy
 Williams, Robert

Bueggemann, Donald
 Gile, Mary
 Klose, John
 Owen, Derek
 Rush, Deanna
 Tupper, Frank
 Yeaton, Charles

DeJoie, John
 Hager, Elizabeth
 Lockwood, Priscilla
 Potter, Frances
 Ryan, Jim
 Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
 Buxton, Donald
 Coburn, James
 Dowling, Patricia
 Gillick, Thomas
 Katsakiores, Phyllis
 Nowe, Ronald
 Robertson, Carl
 Stiles, Nancy
 Zolla, William

Allen, Mary
 Cali-Pitts, Jacqueline
 Cooney, Richard
 Fesh, Bob
 Gould, Kenneth
 Langley, Jane
 Pantelakos, Laura
 Sanders, Elisabeth
 Stone, Joseph

Blanchard, MaryAnn
 Casey, Kimberley
 Dodge, Robert
 Flockhart, Eileen
 Ingram, Russell
 Mason, April
 Parker, Benjamin
 Scamman, Stella
 Welch, David

Bridle, Russell
 Charron, Gene
 Dowd, John
 Francoeur, Sheila
 Katsakiores, George
 Norelli, Terie
 Powers, James
 Splaine, James
 Wiley, Robert

STRAFFORD

Berube, Roger
 Callaghan, Frank
 Domingo, Baldwin
 Heon, Richard
 Keans, Sandra
 Rous, Emma
 Spang, Judith

Bickford, David
 Cataldo, Sam
 Dunlap, Patricia
 Hofemann, Roland
 Knowles, William
 Schmidt, Peter
 Taylor, Katherine

Brown, Jennifer
 Cilley, Jacalyn
 Goodwin, Earle
 Johnson, Nancy
 Miller, Joseph
 Smith, Marjorie
 Taylor, Kathleen

Brown, Lawrence
 Creteau, Irene
 Grassie, Anne
 Kaen, Naida
 Rollo, Michael
 Snyder, Clair
 Wall, Janet

SULLIVAN

Cloutier, John
 Franklin, Peter
 Osgood, Philip Sr

Converse, Larry
 Gale, Harry
 Phinzy, James

Donovan, Thomas
 Houde-Quimby, Charlotte
 Prichard, Stephen

Ferland, Brenda
 Jillette, Arthur Jr
 Rodeschin, Beverly

NAYS 136**BELKNAP**

Boyce, Laurie
 Thomas, John
 Wendelboe, Fran

Clark, Charles
 Tilton, Franklin
 Whalley, Michael

Fitzgerald, James
 Tobin, William

Rosen, Ralph
 Veazey, John

CARROLL

Brown, Carolyn	Dickinson, Howard	Martin, James	McConkey, Mark
Morrow, Harry	Stevens, Stanley		

CHESHIRE

Emerson, Susan	Pelkey, Stephen
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COOS

Morneau, Renney	Remick, William	Richardson, Herbert	Stohl, Eric
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GRAFTON

Giuda, Robert	Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Sorg, Gregory	Ward, John	

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Carew, James	Carlson, Donald	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Elliott, Nancy
Francoeur, Bea	Gibson, John	Goyette, Peter Jr	Hansen, Ryan
Hebert, Raymond	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Velez, Hector	Wheeler, James	

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	Field, William
Hess, David	Kennedy, Richard	L'Heureux, Stephen	Langlais, Thomas
Soltani, Tony	Whiting, Herbert		

ROCKINGHAM

Asselin, Michael	Belanger, Ronald	Bettencourt, David	Cady, Harriet
Camm, Kevin	Carson, Sharon	Dalrymple, Janeen	DiFruscia, Anthony
Donahue, Richard Ken	Dumaine, Dudley	Flanders, John Sr	Forsing, Robert
Garrity, James	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Kobel, Rudolph	Lund, Howie
Major, Norman	Manning, John	McKinney, Betsy	McMahon, Charles
Morris, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Rolston, James	Smith, Paul	Waterhouse, Kevin	Weare, E Albert
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Winchell, George

STRAFFORD

Brown, Julie	Chaplin, Duncan	Easson, Timothy	Newton, Clifford
Twombly, James			

SULLIVAN

Irish, Christopher
and the committee report was adopted.

(Deputy Speaker Weyler in the Chair)

HB 594-FN, relative to retirement system classification for correctional line personnel. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William R. Zolla for the Majority of Executive Departments and Administration: This bill removes the category of correctional line personnel from group II classification in the state retirement system. The bill allows persons presently employed as group II correctional line personnel on the effective date of the act to remain group II. The bill will assist in further clarifying and differentiating between line personnel working at the prison and state correctional officers who qualify for group II under RSA 100-A:1:VII.d. All new prison personnel employed by the state prisons other than correctional officers as defined above shall be classified as group I. The amendment to this bill removes county personnel from the above considerations. Vote 11-8.

Rep. John DeJoie for the Minority of Executive Departments and Administration: Passage of this bill will deny certain department of corrections employees' proper classification as group II members of the New Hampshire Retirement System. Based under current law, these 53 correctional personnel have been correctly certified by State of New Hampshire Department of Personnel as qualifying for group II membership. These employees have intimate contact with inmates, have graduated from eight weeks of training at the police academy, and are physically fit to perform the security duties required of their positions. In short, they meet the current law. These employees work daily side by side with other employees who are members of the group II retirement system. This bill deems that these employees no longer meet the requirement of group II retirement even though they have met the requirements since 1987. Further, the commissioner of corrections opposes restricting these employees from group II as this bill does. Given the highly publicized disagreements between corrections employees and the department of corrections commissioner, when they agree in opposing this bill, we must give their unison careful consideration. The minority of the committee requests that you defeat this bill. The Executive Departments and Administration Committee will then continue to consider employees on an individual basis for a change in retirement classification.

Majority Amendment (0722h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to retirement system classification for department of corrections correctional line personnel.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 100-A:1, VII(b), relative to group II classification of department of corrections correctional line personnel, is repealed.

2 Application of Repeal to Current Personnel. A person employed as department of corrections correctional line personnel and classified as a group II retirement system member as of the effective date of this act may remain a group II member and continue accruing service as group II service, notwithstanding the 5-year service requirement in RSA 100-A:3, II-c, for as long as the person holds that position or a related position reached through normal career-path promotion.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill removes department of corrections correctional line personnel from group II classification in the state retirement system. The bill allows persons employed as group II department of corrections correctional line personnel on the effective date of the act to remain group II. Majority amendment adopted.

On a division vote, 191 members having voted in the affirmative and 150 in the negative, the majority committee report was adopted.

Ordered to third reading.

Rep. Hinkle voted Yea and intended to vote Nay.

HB 401-FN-A, making an appropriation to the Seacoast Shipyard Association. **OUGHT TO PASS**

Rep. Daniel M. Hughes for Finance: An appropriation of \$100,000 to the State Treasurer for the purpose of funding the Seacoast Shipyard Association (SSA) and this bill requires the Association to report how the funds are spent. The funding in this bill will be used in the effort to keep the Portsmouth Naval Shipyard open and will be used with other funds to assist in legal, publicity, promotional and other fees. The 2005 Base Realignment and Closing Commission (BRAC) meets this spring and the work of SSA will complement the work of the Congressional delegations involved. The economics of the shipyard, the oldest Naval yard in the country, makes an overwhelming case.

The shipyard employs approximately 2000 New Hampshire citizens from 50 New Hampshire towns with a New Hampshire payroll of almost \$125,000,000. The base generates approximately \$100,000,000 for purchased goods, services and support. In addition to the economics, the base is one of our nation's most efficient and is invaluable to the defense effort of our country. Vote 19-5. Committee report adopted and ordered to third reading.

HB 478-FN-A, making an appropriation for "Newsline for the Blind." **OUGHT TO PASS**

Rep. Larry A. Emerton for Finance: This is a small appropriation that will allow New Hampshire's blind population, who otherwise would not be able to read newsprint from various newspapers, to phone into an information and news service. We are among the few states who don't provide this service. The service is now provided by and started up by Verizon. They now do not wish to continue funding this vital program; therefore if we do not continue it, many users will incur a large void in their lives. Vote 24-0.

Committee report adopted and ordered to third reading.

HB 539-FN-A-L, relative to land and community heritage investment program administration. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill results from the study committee on LCHIP last session. It provides that the LCHIP Board may provide up to 10% of its funds for loans. Principal and interest on the loans will be deposited in the LCHIP Trust. Vote 18-6.

Rep. Newton spoke against.

Rep. Dodge spoke against and yielded to questions.

Rep. Giuda moved recommit to committee.

Rep. Hager spoke against and yielded to questions.

Motion to recommit failed.

Reps. Mirski, Stella Scamman and W. Douglas Scamman declared conflicts of interest and did not participate.

MOTION TO LAY ON THE TABLE

Rep. Rodeschin moved that **HB 539-FN-A-L**, relative to land and community heritage investment program administration, be laid on the table.

On a division vote, 154 members having voted in the affirmative and 184 in the negative, the motion to lay on the table failed.

Reps. Mirski, Stella Scamman and W. Douglas Scamman declared conflicts of interest and did not participate.

The question now being adoption of the committee report.

Rep. Weed requested a roll call; sufficiently seconded.

The question now being adoption of the committee report.

YEAS 193 NAYS 148

YEAS 193

BELKNAP

Morrison, Gail	Pilliod, James	Russell, David	Tilton, Franklin
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CARROLL

Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
McConkey, Mark	Olimpio, J Lisbeth		

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espiels, Peter	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

Mears, Edgar	Merrick, Scott	Morneau, Renney	Remick, William
Theberge, Robert			

GRAFTON

Almy, Susan
Cooney, Mary
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Hammond, Lee
Naro, Debra

Barker, Robert
Harding, A Laurie
Nordgren, Sharon

Benn, Bernard
McLeod, Martha
Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Craig, James
Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Holden, Randolph
Kurk, Neal
Martin, Mary Ellen
Ober, Lynne
Rosenwald, Cindy
Shaw, Kimberly
Velez, Hector

Beaulieu, Jane
Chase, Claudia
Crane, Elenore Casey
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Irwin, Anne-Marie
L'Heureux, Robert
Messier, Irene
Pappas, Christopher
Scanlon, Michael
Smith, David
Villeneuve, Maurice

Bergin, Peter
Christensen, D L Chris
Daniuk, Caitlin
Emerton, Larry
Garrity, Patrick
Haley, Robert
Jean, Claudette
Lasky, Bette
Movsesian, Lori
Pilote, Maurice
Schulze, Joan
Sullivan, Francis
Wheeler, Robert

Brassard, Paul
Cote, David
DeVries, Betsi
Essex, David
Ginsburg, Ruth
Harvey, Suzanne
Kopka, Angeline
Lefebvre, Roland
O'Connell, Timothy
Rochette, Eric
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Anderson, Eric
Currier, David
Gile, Mary
Klose, John
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Blanchard, Elizabeth
DeJoie, John
Hager, Elizabeth
Lockwood, Priscilla
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Maxfield, Roy
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
French, Barbara
Hess, David
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Flanders, John Sr
Gould, Kenneth
Langley, Jane
Pantelakos, Laura
Sanders, Elisabeth
Waterhouse, Kevin

Blanchard, MaryAnn
Casey, Kimberley
Flockhart, Eileen
Johnson, Robert
Morris, Richard
Powers, James
Splaine, James
Wells, Roger

Bridle, Russell
Coburn, James
Francoeur, Sheila
Katsakiores, George
Norelli, Terie
Robertson, Carl
Stiles, Nancy

Buxton, Donald
Cooney, Richard
Gillick, Thomas
Katsakiores, Phyllis
O'Neil, Michael
Rolston, James
Stone, Joseph

STRAFFORD

Berube, Roger
Brown, Lawrence
Dunlap, Patricia
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Bickford, David
Cilley, Jacalyn
Goodwin, Earle
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Jennifer
Creteau, Irene
Grassie, Anne
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

Brown, Julie
Domingo, Baldwin
Heon, Richard
Keans, Sandra
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Gale, Harry
Phinizz, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Jillette, Arthur Jr

NAYS 148**BELKNAP**

Allen, Janet
Flanders, Donald
Thomas, John
Whalley, Michael

Boyce, Laurie
Heald, Bruce
Tobin, William

Clark, Charles
Nedeau, Stephen
Veazey, John

Fitzgerald, James
Rosen, Ralph
Wendelboe, Fran

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Martin, James
Merrow, Harry	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Emerson, Susan	Foote, Sheila	Pelkey, Stephen	Sawyer, Sheldon
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COOS

King, Frederick	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
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GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Maybeck, Margie	Sorg, Gregory	Ward, John

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Barry, J Gail	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Carew, James	Carlson, Donald
Carter, Mark	Chabot, Robert	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Desmarais, Vivian	Elliott, Nancy	Francoeur, Bea
Gibson, John	Golding, William	Goyette, Peter Jr	Graham, John
Hawkins, Ken	Hebert, Raymond	Hinkle, Peyton	Hirschmann, Keith
Hunter, Bruce	Infantine, William	Jasper, Shawn	Lawrence, James
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
O'Brien, William	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Vaillancourt, Steve
Wheeler, James			

MERRIMACK

Danforth, James	Field, William	Kennedy, Richard	Kidder, David
Langlais, Thomas	Marple, Richard	Reed, Dennis	Soltani, Tony
Whiting, Herbert			

ROCKINGHAM

Allen, Mary	Bettencourt, David	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Dalrymple, Janeen
DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Forsing, Robert
Garrity, James	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Rogers	Kobel, Rudolph	Lund, Howie	Major, Norman
Manning, John	Mason, April	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	Packard, Sherman	Parker, Benjamin	Priestley, Anne
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Weare, E Albert	Welch, David	Weldy, Norman	Wiley, Robert
Winchell, George	Zolla, William		

STRAFFORD

Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Newton, Clifford	Twombly, James		

SULLIVAN

Irish, Christopher Rodeschin, Beverly
and the committee report was adopted.

Reps. Mirski, Stella Scamman and W. Douglas Scamman declared conflicts of interest and did not participate.

Ordered to third reading.

CACR 12, relating to judicial conduct. Providing that the people of New Hampshire, in a manner established by law, shall be responsible for investigating and evaluating the conduct of members of the judicial branch. **OUGHT TO PASS**

Rep. Robert H. Rowe for Judiciary: In New Hampshire, judges are appointed by the governor and council under Part One, Article 35 of the Constitution to "hold their offices so long as they behave well." It is a common misconception that judges are appointed for life. Currently complaints against judges are heard by a conduct committee formed by the judicial branch under its own rules. The passage of this CACR will allow the citizens of the State of New Hampshire to have the authority to receive complaints, investigate complaints and, if appropriate, order sanctions as a result of poor judicial conduct. The perception held by the public is that the judicial branch is judging itself. One branch of government policing itself is simply wrong – behavior should be judged by the citizens. In 47 states, the citizens have an input as to judge's behavior. Until two years ago, New Hampshire had an independent citizens' commission to hear complaints against judges, but the Supreme Court ruled that this violated the separation of powers provision of the New Hampshire Constitution. As a result of the ruling, the judicial branch re-established its own conduct committee. This CACR will give back to the people the power to investigate and evaluate good behavior on the part of a judge and impose sanctions as necessary. Vote 15-5.

Rep. King spoke against and yielded to questions.

Reps. Rowe, Mirski and Soltani spoke in favor and yielded to questions.

Rep. Pratt spoke against.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 160 NAYS 181

YEAS 160

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Heald, Bruce
Rosen, Ralph	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Dickinson, Howard
McConkey, Mark	Morrow, Harry	Patten, Betsey	Stevens, Stanley

CHESHIRE

Emerson, Susan	Hunt, John	Pelkey, Stephen	Roberts, Kris
Sawyer, Sheldon			

COOS

Morneau, Renney	Richardson, Herbert	Stohl, Eric
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GRAFTON

Barker, Robert	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Sorg, Gregory
Ward, John			

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Carew, James
Carter, Mark	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Crane, Elenore Casey	Elliott, Nancy	Francoeur, Bea
Gibson, John	Golding, William	Goyette, Peter Jr	Graham, John
Hansen, Ryan	Hawkins, Ken	Hebert, Raymond	Hinkle, Peyton
Hirschmann, Keith	Hunter, Bruce	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Manney, Pamela

Martin, Mary Ellen
O'Brien, William
Rowe, Robert
Tahir, Saghir

McRae, Karen
Price, Pamela
Slocum, Lee
Vaillancourt, Steve

Mead, Robert
Reeves, Sandra
Souza, Kathleen
Villeneuve, Maurice

Mooney, Maureen
Renzullo, Andrew
Stepanek, Stephen
Wheeler, James

MERRIMACK

Danforth, James
Klose, John
Whiting, Herbert

Field, William
Langlais, Thomas

Hess, David
Marple, Richard

Kennedy, Richard
Soltani, Tony

ROCKINGHAM

Allen, Mary
Bridle, Russell
Carson, Sharon
Donahue, Richard Ken
Flanders, John Sr
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Manning, John
Nowe, Ronald
Putnam, Ed II
Sanders, Elisabeth
Weare, E Albert
Weyler, Kenneth

Belanger, Ronald
Buxton, Donald
Dalrymple, Janeen
Dowling, Patricia
Forsing, Robert
Headd, James
Itse, Daniel
Kobel, Rudolph
Mason, April
O'Neil, Michael
Quandt, Marshall Lee
Scamman, Stella
Welch, David
Wiley, Robert

Bettencourt, David
Cady, Harriet
DiFruscia, Anthony
Dumaine, Dudley
Garrity, James
Hopfgarten, Paul
Johnson, Rogers
Lund, Howie
McKinney, Betsy
Packard, Sherman
Quandt, Matthew
Stiles, Nancy
Weldy, Norman
Zolla, William

Bishop, Franklin
Camm, Kevin
Dodge, Robert
Fesh, Bob
Gillick, Thomas
Hughes, Daniel
Katsakiores, George
Major, Norman
Morris, Richard
Priestley, Anne
Rausch, James
Waterhouse, Kevin
Wells, Roger

STRAFFORD

Bickford, David
Newton, Clifford

Cataldo, Sam
Twombly, James

Chaplin, Duncan

Easson, Timothy

SULLIVAN

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 181

BELKNAP

Fitzgerald, James
Pilliod, James

Flanders, Donald
Russell, David

Morrison, Gail

Nedeau, Stephen

CARROLL

Brown, Carolyn
Olimpio, J Lisbeth

Buco, Thomas

Knox, J David

Martin, James

CHESHIRE

Allen, Peter
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

Butynski, William
Espieffs, Peter
Plifka, Stanley Jr
Tilton, Anna

Dexter, Judson
Foote, Sheila
Pratt, John
Weed, Charles

COOS

King, Frederick
Theberge, Robert

Mears, Edgar
Tholl, John Jr

Merrick, Scott

Remick, William

GRAFTON

Almy, Susan
Hammond, Lee
Naro, Debra

Andersen, Gene
Harding, A Laurie
Nordgren, Sharon

Benn, Bernard
McLeod, Martha
Sokol, Hilda

Cooney, Mary
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Carlson, Donald

Beaulieu, Jane
Chase, Claudia

Bergin, Peter
Cote, David

Campbell, David
Craig, James

Daniuk, Caitlin
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Jean, Claudette
Movsesian, Lori
Pilotte, Maurice
Ryder, Donald
Shaw, Kimberly
Wheeler, Robert

Desmarais, Vivian
Emerton, Larry
Garrity, Patrick
Harvey, Suzanne
Kopka, Angeline
O'Connell, Timothy
Rochette, Eric
Scanlon, Michael
Smith, David

DeVries, Betsi
Essex, David
Ginsburg, Ruth
Holden, Randolph
Lasky, Bette
Ober, Lynne
Rosenwald, Cindy
Schulze, Joan
Sullivan, Francis

Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Irwin, Anne-Marie
Messier, Irene
Pappas, Christopher
Ross, Lawrence
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Anderson, Eric
DeJoie, John
Gile, Mary
Lockwood, Priscilla
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Williams, Robert

Blanchard, Elizabeth
DeStefano, Stephen
Hager, Elizabeth
MacKay, James
Owen, Derek
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
Foote, Robert
Hamm, Christine
Maxfield, Roy
Potter, Frances
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
French, Barbara
Kidder, David
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Charron, Gene
Flockhart, Eileen
Johnson, Robert
Parker, Benjamin
Splaine, James

Blanchard, MaryAnn
Coburn, James
Francoeur, Sheila
Langley, Jane
Powers, James
Stone, Joseph

Cali-Pitts, Jacqueline
Cooney, Richard
Gould, Kenneth
Norelli, Terie
Robertson, Carl
Winchell, George

Casey, Kimberley
Dowd, John
Ingram, Russell
Pantelakos, Laura
Rolston, James

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Hilliard, Dana
Keans, Sandra
Rous, Emma
Spang, Judith

Brown, Jennifer
Cilley, Jacalyn
Goodwin, Earle
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Julie
Creteau, Irene
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Lawrence
Domingo, Baldwin
Heon, Richard
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

and the committee report failed.

Rep. Dokmo moved Inexpedient to Legislate.

Motion adopted.

Rep. Coughlin declared a conflict of interest and did not participate.

CACR 16, relating to the definition and constitutionality of judicial and legislative acts. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frances D. Potter for the Majority of Judiciary: The right of citizens to defend themselves against wrongful perhaps oppressive acts of the legislature by going to court is one of the touchstones of American democracy. CACR 16 if passed would deny citizens the right to this court review of legislative actions. The majority believes this would ultimately destroy the checks and balances system we hold dear. There has been much talk in N.H. in recent years about "judicial activism." This talk comes from all directions in the political spectrum; it depends on "whose ox is gored." There is always one group that prevails and another that loses when a case goes to court; the argument against "ac-

tivism” carries no weight since there is another group that can use the same argument to make the opposite point. There is always tension between the right of the majority to act and the right of the minority to protection. It is essential to the preservation of right of every individual’s life, liberty, property, character, that there be an impartial interpretation of the laws and administration of justice. (N.H. Constitution, Part I, Art. 35, Bill of Rights) CACR 16 would essentially upset the separation of powers among the branches of government, legislative, judicial, executive and make the court’s decisions hostage to the political whims of the legislature. The Rule of Law and the protection of minorities are precious and fundamental in our society. If this bill were passed, there would be no place for an individual or minority group to go to appeal a loss of rights, to receive justice. We all know that a court can make a mistake, as can a governor or the legislature. Our safeguard against such lapses is the separation of powers and the check or balance that each body can exercise over the other. The governor has the power to appoint judges; the legislature can bring a bill of address or impeachment against a judge or governor. The court, in reviewing the acts of the legislature, upholds the rule of law embodied in the constitution; the delicate balance among the three branches is literally our safeguard against the tyranny of one branch. All other states in the U.S. recognize the concept of judicial review. Vote 13-8.

Rep. Gregory M. Sorg for the Minority of Judiciary: CACR 16 would bring the Supreme Court back to constitutional legitimacy by writing into the Constitution the distinction between adjudicatory and legislative acts drawn by Justice Levi Woodbury in the 1818 Supreme Court case *Merrill v. Sherburne*, the first case to come before the court under the separation of powers provision, Article 37 of Part I. It would also restore the original understanding of the boundaries of the separation of powers, reflected in that case, whereby the judiciary was constituted the final authority of the constitutionality of adjudicatory acts and the legislature was constituted the final authority on the constitutionality of legislative acts. It has only been in comparatively recent times that the court has laid claim to final, unreviewable authority, binding on the legislature to validate on constitutional grounds acts of a purely legislative character. By reason that the court has an inherent institutional bias in favor of resolutions of separation of powers issues that enhance judicial power at the expense of legislative, the sweeping assertion of authority has resulted in significant judicial intrusions into the legislature’s exclusively granted authority to establish state policy, to the extent that the court acts today as a virtual third chamber of the legislature, with veto power over the other two, exercisable by whichever three members of the court happen to comprise a majority at any given time. As the legislature tires of the continual buffeting to which it is subject on the basis of past and anticipated future dictates from the Supreme Court, the time will come when the legislature shall have no choice but to direct its attention away from mere symptoms of judicial excess towards its root causes.

Rep. Sorg spoke against.

Rep. Mooney spoke in favor.

Rep. Sorg requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 259 NAYS 67

YEAS 259

BELKNAP

Allen, Janet
Nedeau, Stephen
Veazey, John

Fitzgerald, James
Pilliod, James

Flanders, Donald
Russell, David

Morrison, Gail
Tobin, William

CARROLL

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Patten, Betsey

Buco, Thomas
McConkey, Mark
Stevens, Stanley

Dickinson, Howard
Merrrow, Harry

CHESHIRE

Allen, Peter
Dunn, J Timothy
Hunt, John
Pratt, John
Tilton, Anna

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Richardson, Barbara

Butynski, William
Espiefs, Peter
Parkhurst, Henry
Roberts, Kris

Dexter, Judson
Foote, Sheila
Plifka, Stanley Jr
Robertson, Timothy

COOS

King, Frederick
Remick, William
Tholl, John Jr

Mears, Edgar
Richardson, Herbert

Merrick, Scott
Stohl, Eric

Morneau, Renney
Theberge, Robert

GRAFTON

Almy, Susan
Hammond, Lee
Nordgren, Sharon

Andersen, Gene
Harding, A Laurie
Sokol, Hilda

Benn, Bernard
McLeod, Martha
Solomon, Peter

Cooney, Mary
Mulholland, Catherine

HILLSBOROUGH

Baroody, Benjamin
Brassard, Paul
Carter, Mark
Coughlin, Pamela
DeVries, Betsi
Emerton, Larry
Gargaszy, Carolyn
Goley, Jeffrey
Hinkle, Peyton
Jasper, Shawn
L'Heureux, Robert
Martin, Mary Ellen
Movsesian, Lori
Pilotte, Maurice
Rosenwald, Cindy
Scanlon, Michael
Smith, David
Vaillancourt, Steve

Barry, J Gail
Brundige, Robert
Chase, Claudia
Craig, James
Dokmo, Cynthia
Essex, David
Garrity, Patrick
Gorman, Mary
Holden, Randolph
Jean, Claudette
Lasky, Bette
McRae, Karen
O'Connell, Timothy
Price, Pamela
Ross, Lawrence
Schulze, Joan
Stepanek, Stephen
Villeneuve, Maurice

Beaulieu, Jane
Campbell, David
Christensen, D L Chris
Daniuk, Caitlin
Drisko, Richard
Foster, Linda
Ginsburg, Ruth
Graham, John
Hunter, Bruce
Kopka, Angeline
Lefebvre, Roland
Messier, Irene
Ober, Lynne
Reeves, Sandra
Rowe, Robert
Shaw, Barbara
Sullivan, Francis
Wheeler, Robert

Bergin, Peter
Carlson, Donald
Cote, David
Desmarais, Vivian
Elliott, Nancy
Francoeur, Bea
Golding, William
Harvey, Suzanne
Irwin, Anne-Marie
Kurk, Neal
Manney, Pamela
Mooney, Maureen
Pappas, Christopher
Rochette, Eric
Ryder, Donald
Shaw, Kimberly
Sullivan, Peter

MERRIMACK

Anderson, Eric
Danforth, James
French, Barbara
Hess, David
MacKay, James
Potter, Frances
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Kidder, David
Maxfield, Roy
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
Klose, John
McMahon, Patricia
Reed, Dennis
Tilton, Joy
Whiting, Herbert

Brueggemann, Donald
Foote, Robert
Hamm, Christine
Lockwood, Priscilla
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn
Casey, Kimberley
Dalrymple, Janeen
Dowd, John
Forsing, Robert
Gillick, Thomas
Ingram, Russell
Kobel, Rudolph
Manning, John
Nowe, Ronald
Priestley, Anne
Scamman, Stella
Weare, E Albert
Wiley, Robert

Asselin, Michael
Bridle, Russell
Charon, Gene
DiFruscia, Anthony
Fesh, Bob
Francoeur, Sheila
Griffin, Mary
Johnson, Robert
Langley, Jane
Mason, April
Packard, Sherman
Rausch, James
Spaine, James
Welch, David
Winchell, George

Belanger, Ronald
Cali-Pitts, Jacqueline
Coburn, James
Dodge, Robert
Flanders, John Sr
Garrity, James
Headd, James
Katsakiores, George
Lund, Howie
McKinney, Betsy
Pantelakos, Laura
Robertson, Carl
Stone, Joseph
Weldy, Norman
Zolla, William

Bishop, Franklin
Carson, Sharon
Cooney, Richard
Donahue, Richard Ken
Flockhart, Eileen
Gilbert, Karl
Hughes, Daniel
Katsakiores, Phyllis
Major, Norman
Norelli, Terie
Powers, James
Rolston, James
Waterhouse, Kevin
Wells, Roger

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Hilliard, Dana
Keans, Sandra
Rous, Emma
Spang, Judith

Brown, Jennifer
Cilley, Jacalyn
Goodwin, Earle
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Julie
Creteau, Irene
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Lawrence
Domingo, Baldwin
Heon, Richard
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Gale, Harry
Phinizy, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Jillette, Arthur Jr

NAYS 67**BELKNAP**

Boyce, Laurie
Wendelboe, Fran

Clark, Charles
Whalley, Michael

Rosen, Ralph

Tilton, Franklin

CARROLL

None

CHESHIRE

Emerson, Susan

Pelkey, Stephen

Sawyer, Sheldon

COOS

None

GRAFTON

Barker, Robert
Maybeck, Margie

Gionet, Edmond
Mirski, Paul

Giuda, Robert
Sorg, Gregory

Ingbretson, Paul

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Carew, James
Goyette, Peter Jr
Lawrence, James
Slocum, Lee

Allan, Nelson
Biundo, Michael
Christiansen, Lars
Hansen, Ryan
Mead, Robert
Tahir, Saghir

Balboni, Michael
Boehm, Ralph
Clark, Mark
Hawkins, Ken
O'Brien, William
Wheeler, James

Batula, Peter
Buhlman, David
Crane, Elenore Casey
Hirschmann, Keith
Renzullo, Andrew

MERRIMACK

Kennedy, Richard

Langlais, Thomas

Marple, Richard

Soltani, Tony

ROCKINGHAM

Allen, Mary
Camm, Kevin
Itse, Daniel
Quandt, Marshall Lee

Bettencourt, David
Dumaine, Dudley
Morris, Richard
Quandt, Matthew

Buxton, Donald
Hopfgarten, Paul
O'Neil, Michael
Sanders, Elisabeth

Cady, Harriet
Introne, Robert
Putnam, Ed II
Weyler, Kenneth

STRAFFORD

Bickford, David
Newton, Clifford

Cataldo, Sam
Twombly, James

Chaplin, Duncan

Easson, Timothy

SULLIVAN

Irish, Christopher
and the majority committee report was adopted.

Rodeschin, Beverly

HB 463, relative to evidence of admissions in medical injury actions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gregory M. Sorg for the Majority of Judiciary: The purpose of this bill is to encourage reconciliation between medical care providers and patients, and thereby to discourage litigation, by

making inadmissible in any subsequent litigation expressions of "apology, fault, sympathy, commiseration, condolence, compassion, or a general sense of benevolence." The committee concluded that it would be inequitable to except this profession from the general rule that prior acknowledgements of fault are admissible substantively at trial; and concluded, also, that the goal of reconciliation is not likely to be encouraged on the basis of a law providing that fault acknowledged before trial can be repudiated without consequence at trial. Vote 11-5.

Rep. James P. Pilliod for the Minority of Judiciary: This bill was introduced as a result of a two-year legislative commission that studied patient safety and medical errors. HB 463 is a patient-centered bill that would begin to restore the doctor-patient relationship after an unanticipated medical outcome. In Colorado, this law has resulted in open, honest discussions, acceptance of responsibility, a reduction in litigation, more patients have received settlements, it has helped prevent future errors, settlements are reached quicker and patients still retain the right to file a lawsuit. Today, when there is an unanticipated medical outcome, patients and their families typically hear nothing. Risk managers often instruct everyone involved to not say too much. (Check your auto insurance policies - most won't cover you if you talk to the other side.) Indeed, it is the silence and perceived stonewalling that causes many patients to seek the help of attorneys to learn what happened. The reason they receive no information is that doctors, nurses and hospitals know that, if they accept responsibility, their statements may be used against them at trial. We want medical care providers to accept responsibility for their actions, we want patients and their families to know what happened and we want quicker payment of settlements. Those are worthy goals in and of themselves. The so-called protections in this bill are limited. Patients are still free to bring a lawsuit. There is no immunity for medical providers in this bill. The only limitation would be that an injured patient would not be able to use a medical care provider's own explanation as proof that the doctor/nurse/hospital was negligent. However, the patient can use the medical care provider's explanation as a road map to prove his or her case. The committee considered two "I'm sorry" bills. HB 584 is a limited version of HB 463. It would not change existing law, would not promote open communications and would not do anything to change the way doctors and patients behave after an unanticipated outcome. HB 584 supporters spoke of wanting to encourage medical providers to show compassion and to explain what happened and why. HB 584 would not allow providers compassion and to explain what happened and why. HB 584 would not allow providers to talk about the "why" - only to express sympathy/compassion. Unfortunately, HB 584 encourages evasiveness and may create more anger when questions go unanswered. We believe that HB 463 is more comprehensive and will truly benefit patients. The Minority of the Committee supports passage of HB 463. Majority committee report adopted.

HB 496, relative to limits on non-economic damages in medical injury actions. INEXPEDIENT TO LEGISLATE

Rep. Vivian J. Desmarais for Judiciary: The committee heard extensive testimony on numerous bills relating to medical malpractice, including this bill which would mandate a \$250,000 cap on non-economic damages. The State has enacted similar legislation on three separate occasions and the N.H. Supreme Court ruled all three times that such a cap is in violation of our constitution; therefore it makes no sense to pass this measure. Testimony from both sides of the debate said there is no significant problem with frivolous medical malpractice cases in New Hampshire; there are very few huge jury awards and such a cap will do little to nothing to reduce medical malpractice insurance premiums. The committee further feels that a \$250,000 cap could be inadequate for some injuries. In light of the fact that litigation costs, including attorney fees, diminish the actual amount received by an injured person. Vote 17-1. Committee report adopted.

HB 530, relative to an informed jury. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Tony F. Soltani for the Majority of Judiciary: Under common law, juries have had the right to refuse to return a guilty verdict where doing so would offend their good conscience. This right was used by jurors in refusing to convict patriots during the revolutionary period. The juries relying on this power refused to convict those who aided and housed runaway slaves. The independent tradition of juries continued during the civil rights movement. This right currently exists in all fifty states including New Hampshire. Presently, however, the juries are not consistently in-

formed of this right, nor are any rules or guidelines regulating the circumstances under which this information may or may not be passed on to the jury. This arbitrary practice has created different practices in different regions. The majority of the committee favors equal treatment of all jurors, and defendants throughout the state. Vote 9-7.

Rep. Maureen C. Mooney for the Minority of Judiciary: The minority opposes HB 530 because it believes that any benefits of this legislation would be greatly outweighed by the damage it would do to the fair and equal application of our criminal statutes. Trial judges already have the ability to give a "jury nullification" instruction at the request of either party. That decision to grant or deny the request for such an instruction can be appealed to the Supreme Court. With HB 530, every criminal trial would turn into a mini-legislation session where the primary issue of the defendant's guilt or innocence would be sidelined by public policy debates. The primary function of a criminal trial must be determining the guilt or innocence of the defendant and making sure that justice is done. HB 530 would interfere with those functions and therefore deserves to be ITL.

Reps. Hunt and Espieffs spoke against and yielded to questions.

Rep. Ingbertson spoke in favor.

Rep. Soltani spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 118 NAYS 210

YEAS 118 BELKNAP

Boyce, Laurie Tobin, William

CARROLL

Babson, David Jr Chandler, Gene Dickinson, Howard McConkey, Mark
Merrow, Harry

CHESHIRE

Dexter, Judson Pelkey, Stephen Roberts, Kris Robertson, Timothy
Sawyer, Sheldon Tilton, Anna

COOS

Merrick, Scott Morneau, Renney Remick, William Richardson, Herbert
Stohl, Eric

GRAFTON

Barker, Robert Giuda, Robert Ingbertson, Paul Maybeck, Margie
Mirski, Paul Naro, Debra Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Carlson, Donald	Carter, Mark	Chabot, Robert	Christiansen, Lars
Clark, Mark	Cote, David	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Elliott, Nancy	Francoeur, Bea	Ginsburg, Ruth
Goyette, Peter Jr	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Infantine, William	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Manney, Pamela	Martin, Mary Ellen	McRae, Karen	Mead, Robert
O'Brien, William	Renzullo, Andrew	Rochette, Eric	Rowe, Robert
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Field, William	Kennedy, Richard	Langlais, Thomas	Marple, Richard
Maxfield, Roy	Reed, Dennis	Soltani, Tony	Tupper, Frank
Whiting, Herbert			

ROCKINGHAM

Allen, Mary
Cady, Harriet
DiFruscia, Anthony
Forsing, Robert
Hughes, Daniel
Lund, Howie
Quandt, Marshall Lee
Stone, Joseph
Wells, Roger

Asselin, Michael
Cali-Pitts, Jacqueline
Dodge, Robert
Garrity, James
Itse, Daniel
Major, Norman
Quandt, Matthew
Waterhouse, Kevin
Weyler, Kenneth

Bettencourt, David
Camm, Kevin
Donahue, Richard Ken
Headd, James
Johnson, Robert
Morris, Richard
Rolston, James
Welch, David
Zolla, William

Bishop, Franklin
Dalrymple, Janeen
Dumaine, Dudley
Hopfgarten, Paul
Johnson, Rogers
Packard, Sherman
Sanders, Elisabeth
Weldy, Norman

STRAFFORD

Bickford, David

Chaplin, Duncan

Newton, Clifford

Twombly, James

SULLIVAN

Gale, Harry

Irish, Christopher

Rodeschin, Beverly

NAYS 210**BELKNAP**

Allen, Janet
Morrison, Gail
Russell, David
Whalley, Michael

Clark, Charles
Nedeau, Stephen
Tilton, Franklin

Fitzgerald, James
Pilliod, James
Veazey, John

Flanders, Donald
Rosen, Ralph
Wendelboe, Fran

CARROLL

Brown, Carolyn
Olimpio, J Lisbeth

Buco, Thomas
Patten, Betsey

Knox, J David
Stevens, Stanley

Martin, James

CHESHIRE

Allen, Peter
Eaton, Daniel
Hunt, John
Pratt, John

Butcher, Suzanne
Emerson, Susan
Mitchell, Bonnie
Richardson, Barbara

Butynski, William
Espieffs, Peter
Parkhurst, Henry

Dunn, J Timothy
Foote, Sheila
Plifka, Stanley Jr

COOS

King, Frederick

Mears, Edgar

Theberge, Robert

Tholl, John Jr

GRAFTON

Almy, Susan
Gionet, Edmond
Mulholland, Catherine

Andersen, Gene
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Solomon, Peter

Cooney, Mary
McLeod, Martha

HILLSBOROUGH

Baroody, Benjamin
Brassard, Paul
Christensen, D L Chris
Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Harvey, Suzanne
Jasper, Shawn
Lefebvre, Roland
Ober, Lynne
Reeves, Sandra
Schulze, Joan
Smith, David

Barry, J Gail
Campbell, David
Craig, James
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Hawkins, Ken
Jean, Claudette
Michon, Stephen
Pappas, Christopher
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Francis

Batula, Peter
Carew, James
Daniuk, Caitlin
Emerton, Larry
Garrity, Patrick
Graham, John
Hebert, Raymond
Kopka, Angeline
Mooney, Maureen
Pilotte, Maurice
Ryder, Donald
Shaw, Kimberly
Sullivan, Peter

Bergin, Peter
Chase, Claudia
DeVries, Betsi
Essex, David
Golding, William
Hansen, Ryan
Irwin, Anne-Marie
Lasky, Bette
O'Connell, Timothy
Price, Pamela
Scanlon, Michael
Slocum, Lee

MERRIMACK

Anderson, Eric
Danforth, James

Blanchard, Elizabeth
DeJoie, John

Bouchard, Candace
DeStefano, Stephen

Brueggemann, Donald
Foose, Robert

French, Barbara
Hess, David
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Gile, Mary
Kidder, David
MacKay, James
Reardon, Tara
Tilton, Joy
Yeaton, Charles

Hager, Elizabeth
Klose, John
McMahon, Patricia
Rush, Deanna
Wallner, Mary Jane

Hamm, Christine
L'Heureux, Stephen
Osborne, Jessie
Ryan, Jim
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Coburn, James
Flanders, John Sr
Gillick, Thomas
Katsakiores, George
Manning, John
Nowe, Ronald
Powers, James
Scamman, Stella
Winchell, George

Belanger, Ronald
Carson, Sharon
Cooney, Richard
Flockhart, Eileen
Griffin, Mary
Katsakiores, Phyllis
Mason, April
O'Neil, Michael
Priestley, Anne
Splaine, James

Blanchard, MaryAnn
Casey, Kimberley
Dowd, John
Francoeur, Sheila
Ingram, Russell
Kobel, Rudolph
McKinney, Betsy
Pantelakos, Laura
Rausch, James
Weare, E Albert

Bridle, Russell
Charron, Gene
Fesh, Bob
Gilbert, Karl
Introne, Robert
Langley, Jane
Norelli, Terie
Parker, Benjamin
Robertson, Carl
Wiley, Robert

STRAFFORD

Berube, Roger
Callaghan, Frank
Domingo, Baldwin
Heon, Richard
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

Brown, Jennifer
Cataldo, Sam
Dunlap, Patricia
Hilliard, Dana
Keans, Sandra
Rous, Emma
Spang, Judith

Brown, Julie
Cilley, Jacalyn
Easson, Timothy
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Lawrence
Creteau, Irene
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Phinzy, James

Converse, Larry
Houde-Quimby, Charlotte
Pritchard, Stephen

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Osgood, Philip Sr

and the majority committee report failed.

Rep. Mooney moved Inexpedient to Legislate.

Adopted.

HB 584, relative to evidence of admissions of liability in medical injury actions. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bette R. Lasky for the Majority of Judiciary: HB 584 is one of two "I'm sorry" bills which were presented to the committee. Such legislation has been passed in ten other states and is said to be lessening the animosity some patients feel vs. their doctors when an unfortunate unforeseen outcome occurs. With the passage of HB 584 a physician feels free to express his sorrow and compassion to the patient without such expressions being admissible in court. The majority of the committee voted to pass this legislation while opposing HB 463 which also allowed the physician to admit fault and not have it admitted in court as well. The committee felt that HB 463 went too far. Vote 8-7.

Rep. Gregory M. Sorg for the Minority of Judiciary: The problem with this bill and the similarly motivated HB 463 is that an expression of "sympathy, compassion, commiseration or a general sense of benevolence" is not evidence of an admission of liability under current rules of evidence. Consequently, a statute making it inadmissible in court for purposes of acknowledging liability is unnecessary. Moreover, it is entirely conceivable that counsel for a health care provider defendant would want to introduce such expressions into evidence in order to present the provider as a humane individual, a possibility that passing this bill would presumably rule out.

Majority committee report adopted.

Ordered to third reading.

HB 619-FN, relative to skier safety and ski area responsibility. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. John B. Hunt for the Majority of Judiciary: In a bi-partisan vote, the majority of the committee supported the passage of HB 619-FN as amended by the committee. This bill is intended to update New Hampshire's skier and ski area responsibility laws, which were last updated in 1978, so that the statute reflects the activities and equipment that is being utilized at ski areas in 2005. House Bill 619-FN maintains the appropriate balance that exists in law today so that skiers and ski area operators understand their respective responsibilities for safety at a ski area. The amendment removes some of the most contentious issues and adds a study committee to review if any other additional winter sports activities need to be included so that New Hampshire ski resorts can continue to remain competitive. Vote 11-8.

Rep. Bette R. Lasky for the Minority of Judiciary: The minority feels strongly that HB 619-FN as amended is wrong at this time. This bill changes RSA 225-A regarding skiers, ski area and passenger tramway safety. It expands the definitions of winter sports beyond skiing and ski jumps to include snowboarding, tubing, snowshoeing and cross-country skiing. There are changes to the color code signs for making the ski trail level of difficult and the placement of such signs. It also expands the ski area's immunity from suit to those who may go beyond the marked trails or who might trespass on the area. The Minority believes that while we don't have any objections to the study committee, and actually heartily support it, our concern is that it is not being dealt with first, before any bill is passed. We believe the bill is too important to rush. It needs a much more thorough study and we would prefer to retain it. The new areas the sponsors wanted for expansion of limited liability such as terrain parks, including jumps, hits, ramps, banks and freestyle bump terrain, are beyond the knowledge of most of us and testimony received from citizens highlighted concern about the safety of the design and construction of many of these newer ski area offerings.

Majority Amendment (0887h)

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Policy; Other Winter Sports Added. Amend RSA 225-A:1 to read as follows:

225-A:1 Declaration of Policy. The state of New Hampshire finds that the [sport] *sports* of skiing, [is] *snowboarding, snow tubing, and snowshoeing* are practiced by a large number of citizens of the state of New Hampshire, and also that skiing, [attracts] *snowboarding, snow tubing, and snowshoeing* attract to the state of New Hampshire large numbers of nonresidents significantly contributing to the economy of New Hampshire. Therefore, it shall be the policy of the state of New Hampshire to protect its citizens and visitors from unnecessary mechanical hazards in the operation of ski tows, lifts, *nordic* ski jumps and *passenger* tramways, to ensure that proper design and construction are used, that board accepted safety devices and sufficient personnel are provided for, and that periodic inspections and adjustments are made which are deemed essential to the safe operation of ski tows, ski lifts, *nordic* ski jumps and passenger tramways. The primary responsibility for operation, construction, maintenance and inspection rests with the operators of such passenger tramway devices. The state, through its passenger tramway safety board, as hereinafter provided, shall register all ski lift devices and *nordic* ski jumps, establish reasonable standards of design and operational practices, and make such independent inspections as may be necessary in carrying out this policy. Further, it shall be the policy of the state of New Hampshire to define the primary areas of responsibility of skiers and other users of alpine (downhill) and *nordic* (cross country and *nordic* ski jumps) areas, recognizing that the sport of skiing and other ski area activities involve risks and hazards which must be assumed as a matter of law by those engaging in such activities, regardless of all safety measures taken by the ski area operators.

2 Definition of Terms. RSA 225-A:2 is repealed and reenacted to read as follows:

225-A:2 Definitions. In this chapter:

- I. "Board" means the passenger tramway safety board.
- II. "Department" means the department of safety, division of safety services.
- III. "Industry" means the activities of all those persons in the state who own or control the operation of ski areas.
- IV. "Nordic ski jump" means a facility constructed for the purpose of nordic ski jumping and built in accordance with appropriate standards and guidelines, and any facilities that are associated with the use or viewing of such a facility.
- V. "Passenger" means any person, including skiers, while being transported or conveyed by a passenger tramway, or while waiting in the immediate vicinity for such transportation or

conveyance, or while moving away from the disembarkation or unloading point of a passenger tramway to clear the way for the following passengers, or while in the act of boarding or embarking upon or disembarking from a passenger tramway.

VI. "Passenger tramway" means a device used to transport passengers uphill on skis or other winter sports devices, or in cars on tracks or suspended in the air, by the use of steel cables, chains or belts or by ropes, and usually supported by trestles or towers with one or more spans. The term passenger tramway shall include the following:

(a) Two-car aerial passenger tramway, a device used to transport passengers in 2 open or enclosed cars attached to, and suspended from, a moving wire rope, or attached to a moving wire rope and supported on a standing wire rope, or similar devices.

(b) Multi-car aerial passenger tramway, a device used to transport passengers in open or enclosed cars attached to, and suspended from, a moving wire rope, or attached to a moving wire rope and supported on a standing wire rope, or similar devices.

(c) "Conveyor" means a class of outdoor transportation wherein skiers or passengers are transported uphill on a flexible moving element such as a conveyor belt.

(d) Chair lift, a type of transportation on which passengers are carried on chairs suspended in the air and attached to a moving cable, chain or link belt supported by trestles or towers with one or more spans, or similar devices.

(e) J bar, T bar or platter pull, so-called, and similar types of devices are means of transportation which pull skiers riding on skis by means of an attachment to a main overhead cable supported by trestles or towers with one or more spans.

(f) Rope tow, a type of transportation which pulls the skier riding on skis as the skier grasps the rope manually, or similar devices.

(g) Wire rope tow means a type of transportation by which skiers are pulled on skis while manually gripping a handle attached to a wire hauling cable. The hauling cable is maintained at a constant height range between the loading and unloading points, and there is only one span with no intermediate towers.

VII. "Ski area operator" means a person who owns or controls the operation of a ski area. The word "operator" shall include the state or any political subdivision. An operator of a passenger tramway shall be deemed not to be operating a common carrier. Ski area operator is included in the term "operator" as used in this chapter.

VIII. "Ski areas" means all passenger tramways and all designated alpine and nordic trails, slopes, freestyle terrain, tubing terrain, and nordic ski jumps under the control of the alpine and nordic ski area operator and any other areas under the operator's control open to the public for winter sports recreation or competition.

IX. "Skier" means a person utilizing the ski area under the control of a ski area operator for ski, snowboard, and snow tube recreation and competition.

X. "Tubing terrain" means areas designated for sliding on inflatable tubes or other similar devices down a prepared course or lanes at a ski area.

XI. "Winter sports" means the use of skis, snowboards, snow tubes, snowshoes, and any device being utilized by a disabled or adaptive participant for winter recreation or competition.

3 Responsibilities of the Ski Area Operator. RSA 225-A:23 is repealed and reenacted to read as follows:

225-A:23 Responsibilities of the Ski Area Operator. It shall be the responsibility of the operator to maintain the following signs and designations:

I. General Designations. The following color code is hereby established:

(a) Green circle: On area's easiest trails and slopes.

(b) Black diamond: On area's most difficult trails and slopes.

(c) Blue square: On area's trails and slopes that fall between the green circle and black diamond designation.

(d) Yellow triangle with red exclamation point inside with a red band around the triangle: Extrahazardous.

(e) Border around a black figure in the shape of a skier inside with a band running diagonally across the sign with the word "closed" beneath the emblem: Trail or slope closed.

(f) Orange oval: On area's designated freestyle terrain without respect to its degree of difficulty.

II. Base Area; Information to Skiers and Passengers.

(a) A trail board shall be maintained at a prominent location listing the ski area's network of ski trails, slopes, tubing terrain, and designated freestyle terrain in accordance with the aforementioned color code and containing a key to the code in accordance with the above designations; said trail board shall further designate which trails, slopes, and snow tube terrain are open or closed.

(b) The ski area operator shall warn skiers and passengers by use of the trail board, if applicable, that snow grooming or snow making operations are routinely in progress on the slopes and trails serviced by each tramway.

(c) A map shall be available at all ski areas to all skiers and passengers indicating the system of ski trails, slopes, tubing terrain, and designated freestyle terrain in accordance with the color code in paragraph I.

III. Ski Trails and Slopes; Information and Warning to Skiers and Other Persons.

(a) The operator shall mark the beginning of each alpine and nordic ski trail or slope with the appropriate symbol for that particular trail's or slope's degree of difficulty in accordance with RSA 225-A:23, I.

(b) The beginning of each alpine ski trail or slope is defined as the highest point of the trail or slope. Lower trail junctions and intersections may be marked with a degree of difficulty symbol.

(c) The operator shall mark the beginning of, and designated access points to, each alpine trail or slope that is closed with a sign in accordance with RSA 225-A:23, I(e). For purposes of this subparagraph, "designated access points" means the beginning of a trail, slope, or any point where an open trail crosses or intersects the closed trail as shown on the ski area's trail board and trail map.

(d) The operator shall mark the beginning of and designated access points to terrain with the appropriate symbol in accordance with RSA 225-A:23, I(f), which sign shall warn the skier that the use of the terrain is at the skier's own risk. Further, a sign shall be placed at each lift depicting the symbols in RSA 225-A:23, I(a)-(f) describing the trail or slope that the skier may encounter by utilizing such lift.

IV. Nordic Ski Jumps. The operator shall provide a sign in a prominent location at or near the nordic ski jump facility, which sign shall warn the ski jumper that the use of the nordic ski jump is entirely at the ski jumper's own risk. Further, the ski area operator shall be responsible for the design, construction and structural maintenance of all nordic ski jumps.

4 Responsibilities of Skiers and Passengers. Amend the introductory paragraph of RSA 225A:24 and RSA 225-A:24, I-III to read as follows:

225-A:24 Responsibilities of Skiers and Passengers. It is hereby recognized that, regardless of all safety measures which may be taken by the ski area operator, skiing, **snowboarding, snow tubing, and snowshoeing** as ~~a sport~~ **sports**, and the use of passenger tramways associated therewith may be hazardous to the skiers or passengers. Therefore:

I. Each person who participates in the sport of skiing, **snowboarding, snow tubing, and snowshoeing** accepts as a matter of law, the dangers inherent in the sport, and to that extent may not maintain an action against the operator for any injuries which result from such inherent risks, dangers, or hazards. The categories of such risks, hazards, or dangers which the skier or passenger assumes as a matter of law include but are not limited to the following: variations in terrain, surface or subsurface snow or ice conditions; bare spots; rocks, trees, stumps and other forms of forest growth or debris; **terrain**, lift towers, and components thereof (all of the foregoing whether above or below snow surface); pole lines and plainly marked or visible snow making equipment; collisions with other skiers or other persons or with any of the categories included in this paragraph.

II. Each skier and passenger shall have the sole responsibility for knowing the range of his **or her** own ability to negotiate any slope, trail, **terrain**, or passenger tramway. Any passenger who boards such tramway shall be presumed to have sufficient **knowledge**, abilities, **and physical dexterity** to negotiate the lift, and no liability shall attach to any operator or attendant for failure to instruct persons on the use thereof.

III. Each skier or passenger shall conduct himself **or herself**, within the limits of his **or her** own ability, maintain control of his **or her** speed and course at all times **both on the ground and in the air**, while skiing, **snowboarding, snow tubing, and snowshoeing** heed all posted warnings, and refrain from acting in a manner which may cause or contribute to the injury of himself, **her-self**, or others.

5 New Subparagraph; Prohibitions; Access Closed Terrain. Amend RSA 225-A:24, V by inserting after subparagraph (f) the following new subparagraph:

(g) Ski or otherwise access terrain outside open and designated ski trails and slopes or beyond ski area boundaries without written permission of said operator or designee.

6 Insurance; Limitations. Amend RSA 225-A:25, I to read as follows:

I. Unless an operator of a passenger tramway is in violation of this chapter or the rules of the board, which violation is causal of the injury complained of, no action shall lie against any operator by any passenger or his *or her* representative; this prohibition shall not, however, prevent the maintenance of an action against an operator for negligent operation, construction, or maintenance of the passenger tramway itself.

7 Insurance; Limitations; Ski Area Operators Added. Amend RSA 225-A:25, IV to read as follows:

IV. No action shall be maintained against any operator for injuries to any skier or passenger unless the same is commenced within 2 years from the time of injury provided, however, that as a condition precedent thereof the operator shall be notified by certified return receipt mail within 90 days of said injury. The venue of any action against an operator shall be in the county ~~[in which the passenger tramway base station]~~ *where the ski area* is located and not otherwise.

8 New Paragraphs; Ski Areas; Limitations. Amend RSA 225-A:25 by inserting after paragraph IV the following new paragraphs:

V. No ski area operator shall be held responsible for ensuring the safety of, or for damages including injury or death, resulting to skiers or other persons who utilize the facilities of a ski area to access terrain outside open and designated ski trails. Ski areas shall not be liable for damages, including injury or death, to persons who venture beyond such open and designated ski trails.

VI. A ski area operator owes no duty to anyone who trespasses on the ski area property.

9 Ski Area Vehicles; Reference Changed. Amend RSA 259:101 to read as follows:

259:101 Ski Area Vehicles. "Ski area vehicles" shall mean motor vehicles, except private passenger vehicles, whether wheeled or tracked, on-highway or off-highway, owned or leased by a ski area as defined in RSA 225-A:2, ~~[¶]~~ *VIII*, and used exclusively in winter or summer maintenance of ski trails, parking lots, private access roads, structures and other ski area facilities. These vehicles shall include snow cats, snow dozers, snow grooming equipment and tractors, except that it shall not include vehicles with metal tracks or cleats operated outside the bounds of any road maintained exclusively by the ski area.

10 Committee Established.

I. There is established a committee to study additional winter sports that may need to be included in the ski area exemption from liability and skier safety.

II. Membership and Compensation.

(a) The members of the committee shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives. One member shall be from the resources, recreation and development committee, and one member shall be from the judiciary committee.

(2) Two members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall study:

(a) The need to include additional winter sports in the ski area liability exemption and which sports need to be included.

(b) Revising the statutes relating to skier safety and ski area responsibility to reflect changes in the sport of skiing and activities at ski areas.

IV. Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

V. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2005.

11 Effective Date.

I. Section 10 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill:

- I. Adds "snowboarding," "snow tubing," and "snowshoeing" to "skiing" in the declaration of policy.
 - II. Adds definitions to the definitions section and alphabetizes the section.
 - III. Makes certain changes to the color code signs for marking the ski trail level of difficulty and their placement.
 - IV. Adds "snowboarding," "snow tubing," and "snowshoeing" to skiing as inherently dangerous activities and changes the list of hazards for which skiers and others assume the risks.
 - V. Prohibits skiers from accessing certain parts of a ski area without written permission.
 - VI. Establishes a committee to study additional winter sports that may need to be included in the ski area exemption from liability and skier safety.
- Majority committee amendment adopted.
Majority committee report adopted.
Ordered to third reading.

HB 702-FN, relative to the screening of medical malpractice claims. OUGHT TO PASS WITH AMENDMENT

Rep. Bette R. Lasky for Judiciary: This bill, as amended, is the final product of work by the committee to find a solution to lower malpractice rates in New Hampshire. This session, we had more than one "malpractice" bill presented to us. By examining four different types of tort reform, we believe that we have found a new approach which will work in New Hampshire. We have never heard evidence that New Hampshire has runaway jury awards or that there is a huge problem with frivolous medical malpractice cases. Nor do we know for certain that any reform we enacted will, in fact, lower doctor's malpractice insurance rates. Still, the committee feels that HB 702-FN, as amended with prescreening process by an unbiased judge will help weed out non meritorious claims before they enter the judicial process and the 45 day mandatory mediation will help bring speedier resolutions for meritorious cases with a trial. That will save money. This bill also does not deny anyone with a meritorious claim justice. Without the excessive costs of the "Two Trial" Maine process, the person with a small claim or little money is not denied his day in court because of lack of funds. Admissibility to the jury has also been a difficulty with other bills. No process, no matter how well intentioned should have the potential of poisoning the jury. HB 702-FN as amended does not allow the outcome of the prescreening process to be admitted to the jury. The majority of the committee believes this bill is efficient, simple and gives the citizens of our state easy access to the jury system when they have truly been wronged and it is a neutral, quick and fair process to exonerate physicians whose only mistake is human error or an unexpected unforeseen medical outcome. Vote 15-6.

Amendment (0909h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the screening and mediation of medical malpractice claims.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Screening and Mediation for Medical Injury Claims. Amend RSA by inserting after chapter 519-A the following new chapter:

CHAPTER 519-B

SCREENING AND MEDIATION FOR MEDICAL INJURY CLAIMS

519-B:1 Definitions. In this chapter a "provider of health care" shall mean a person, corporation, facility, or institution licensed by the state to provide health care or professional services as a physician, hospital, clinic or nursing home, dentist, registered or licensed nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, acupuncturist, or an officer, employee, or agent thereof acting in the course and scope of his or her employment.

519-B:2 Screening Hearing and Mediation.

I. Every action at law for medical injury against a provider of health care shall be screened by a single justice of the superior court. The plaintiff shall present an offer of proof and the screening judge shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry or whether the plaintiff's case is merely an unfortunate medical result.

II. All actions which continue after the decision of the screening judge under paragraph I shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

519-B:3 Procedure.

I. Each such action for medical injury shall be heard by the screening judge within 45 days after the defendant's answer has been filed. Substantial evidence shall mean such evidence as a reasonable person might accept as adequate to support a conclusion. Admissible evidence shall include, but not be limited to, hospital and medical records, nurses' notes, x-rays, and other records kept in the usual course of the practice of the health care provider without the necessity for other identification or authentication, statements of fact or opinion on a subject contained in a published treatise, periodical, book, or pamphlet or statements by experts without the necessity of such experts appearing at the hearing. The screening judge may, upon the application of either party or upon his or her own decision, summon or subpoena any such records or individuals to substantiate or clarify any evidence which has been presented and may appoint an impartial and qualified physician or surgeon or other related professional person or expert to conduct any necessary professional or expert examination of the claimant or relevant evidentiary matter and to report to the screening judge or to testify as a witness thereto. Such a witness shall be allowed traveling expenses and a reasonable fee to be fixed by the screening judge which shall be assessed as costs. The testimony of the witness and the decision of the screening judge shall be admissible as evidence at a trial.

II. If a finding is made for the defendant or defendants in the case the plaintiff may pursue the claim through the usual judicial process only upon filing bond in the amount of \$6,000 in the aggregate secured by cash or its equivalent with the clerk of the court in which the case is pending, payable to the defendant or defendants in the case for costs assessed, including witness and experts fees and attorneys fees if the plaintiff does not prevail in the final judgment. The screening judge may, within his or her discretion, increase the amount of the bond required to be filed. If the bond is not posted within 30 days of the screening judge's finding, the action shall be dismissed. Upon motion filed by the plaintiff and a determination by the court that the plaintiff is indigent, the screening judge may reduce the amount of the bond but may not eliminate the requirement.

III. The expenses of the screening hearing and mediation shall be equitably assessed to the parties by the court.

519-B:4 Final Disposition. Upon entry of judgment, settlement, or other final disposition at trial court level, the clerk shall, no later than 15 days after such entry, send a copy of the judgment, settlement or other final disposition, to the board of medicine. The terms of judgment, settlement, or other final disposition shall not be sealed by agreement of the parties or by any other means and shall be available for public inspection, except, however, the identity of the plaintiff may be kept confidential.

519-B:5 Notification to the Board of Medicine. Whenever the tribunal makes a finding, the clerk of the court shall, no later than 15 days after such finding, send a copy of the complaint and finding to the board of medicine.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill establishes a screening hearing before a superior court judge to review medical malpractice claims and mediation for claims that continue.

Rep. Dokmo spoke against.

Amendment failed.

Rep. Dokmo offered floor amendment (0955h).

Floor Amendment (0955h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the screening and mediation of medical malpractice claims.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Screening and Mediation for Medical Injury Claims. Amend RSA by inserting after chapter 519-A the following new chapter:

CHAPTER 519-B**SCREENING AND MEDIATION FOR MEDICAL INJURY CLAIMS**

519-B:1 Definitions. In this chapter a "provider of health care" means a provider of health care as defined in RSA 151-C:2, XXX(a).

519-B:2 Screening Hearing and Mediation.

I. Every action at law for medical injury against a provider of health care shall be screened by a single justice of the superior court. The plaintiff shall present an offer of proof and the

screening judge shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry or whether the plaintiff's case is merely an unfortunate medical result.

II. All actions which continue after the decision of the screening judge under paragraph I shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

519-B:3 Procedure.

I. Each such action for medical injury shall be heard by the screening judge within 45 days after the defendant's answer has been filed. At the screening hearing the burden of persuasion shall be on the plaintiff to produce such evidence as a reasonable person might accept as adequate to support a conclusion. Admissible evidence shall include, but not be limited to, hospital and medical records, nurses' notes, x-rays, and other records kept in the usual course of the practice of the health care provider without the necessity for other identification or authentication, statements of fact or opinion on a subject contained in a published treatise, periodical, book, or pamphlet or statements by experts without the necessity of such experts appearing at the hearing. The screening judge may, upon his or her own decision, summon or subpoena any such records or individuals to substantiate or clarify any evidence which has been presented. The testimony of the witnesses and the decision of the screening judge shall not be admissible as evidence at a trial.

II. The expenses of the screening hearing and mediation shall be equitably assessed to the parties by the court.

519-B:4 Final Disposition. Upon entry of judgment, settlement, or other final disposition at trial court level, the clerk shall, no later than 15 days after such entry, send a copy of the judgment, settlement or other final disposition, to the board of medicine. The terms of judgment, settlement, or other final disposition shall not be sealed pursuant to RSA 507-E:3.

519-B:5 Notification to the Board of Medicine. Whenever the screening judge makes a finding, the clerk of the court shall, no later than 15 days after such finding, send a copy of the complaint and finding to the board of medicine.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill establishes a screening hearing before a superior court judge to review medical malpractice claims and mediation for claims that continue.

Rep. Dokmo spoke in favor.

Floor amendment (0955h) adopted.

MOTION TO LAY ON THE TABLE

Rep. Batula moved that **HB 702-FN**, relative to the screening of medical malpractice claims, be laid on the table.

Rep. Giuda requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay HB 702 on the table.

YEAS 43 NAYS 265

YEAS 43 BELKNAP

Clark, Charles	Flanders, Donald	Veazey, John	Wendelboe, Fran
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CARROLL

Brown, Carolyn	Chandler, Gene	Martin, James	Stevens, Stanley
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CHESHIRE

Emerson, Susan	Hunt, John
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COOS

King, Frederick	Stohl, Eric
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GRAFTON

Ingbretson, Paul

HILLSBOROUGH

Barry, J Gail
Crane, Elenore Casey
Ober, Lynne

Batula, Peter
Emerton, Larry
Price, Pamela

Brundige, Robert
Hirschmann, Keith

Clark, Mark
O'Connell, Timothy

MERRIMACK

Anderson, Eric
Whiting, Herbert

MacKay, James

Osborne, Jessie

Reed, Dennis

ROCKINGHAM

Bettencourt, David
Francoeur, Sheila
Major, Norman

Carson, Sharon
Gillick, Thomas
Manning, John

Dalrymple, Janeen
Griffin, Mary
Rausch, James

Donahue, Richard Ken
Hopfgarten, Paul
Winchell, George

STRAFFORD

Bickford, David

Chaplin, Duncan

Newton, Clifford

SULLIVAN

None

NAYS 265**BELKNAP**

Allen, Janet
Pilliod, James

Boyce, Laurie
Russell, David

Morrison, Gail
Tobin, William

Nedeau, Stephen
Whalley, Michael

CARROLL

Babson, David Jr
McConkey, Mark

Buco, Thomas
Morrow, Harry

Dickinson, Howard
Olimpio, J Lisbeth

Knox, J David
Patten, Betsey

CHESHIRE

Allen, Peter
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara
Tilton, Anna

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Roberts, Kris

Butynski, William
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

Dexter, Judson
Foote, Sheila
Pratt, John
Sawyer, Sheldon

COOS

Mears, Edgar
Richardson, Herbert

Merrick, Scott
Theberge, Robert

Morneau, Renney
Tholl, John Jr

Remick, William

GRAFTON

Almy, Susan
Gionet, Edmond
Maybeck, Margie
Naro, Debra

Andersen, Gene
Giuda, Robert
McLeod, Martha
Solomon, Peter

Barker, Robert
Hammond, Lee
Mirski, Paul
Sorg, Gregory

Cooney, Mary
Harding, A Laurie
Mulholland, Catherine

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Buhlman, David
Carter, Mark
Christiansen, Lars
Daniuk, Caitlin
Drisko, Richard
Francoeur, Bea
Golding, William
Graham, John
Hinkle, Peyton
Jasper, Shawn

Allan, Nelson
Bergin, Peter
Campbell, David
Chabot, Robert
Cote, David
Desmarais, Vivian
Elliott, Nancy
Gargas, Carolyn
Goley, Jeffrey
Harvey, Suzanne
Holden, Randolph
Jean, Claudette

Balboni, Michael
Biundo, Michael
Carew, James
Chase, Claudia
Coughlin, Pamela
DeVries, Betsi
Essex, David
Garrity, Patrick
Gorman, Mary
Hawkins, Ken
Infantine, William
Kopka, Angeline

Baroody, Benjamin
Brassard, Paul
Carlson, Donald
Christensen, D L Chris
Craig, James
Dokmo, Cynthia
Foster, Linda
Ginsburg, Ruth
Goyette, Peter Jr
Hebert, Raymond
Irwin, Anne-Marie
Kurk, Neal

L'Heureux, Robert
McRae, Karen
O'Brien, William
Rochette, Eric
Schulze, Joan
Smith, David
Sullivan, Peter
Wheeler, James

Lasky, Bette
Mead, Robert
Pilotte, Maurice
Rowe, Robert
Shaw, Barbara
Souza, Kathleen
Tahir, Saghir

Lefebvre, Roland
Michon, Stephen
Reeves, Sandra
Ryder, Donald
Shaw, Kimberly
Stepanek, Stephen
Vaillancourt, Steve

Manney, Pamela
Mooney, Maureen
Renzullo, Andrew
Scanlon, Michael
Slocum, Lee
Sullivan, Francis
Villeneuve, Maurice

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
French, Barbara
Kidder, David
Lockwood, Priscilla
Rush, Deanna
Tilton, Joy
Williams, Robert

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
Klose, John
Marple, Richard
Ryan, Jim
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
Field, William
Hamm, Christine
L'Heureux, Stephen
McMahon, Patricia
Shurtleff, Stephen
Wallner, Mary Jane

Danforth, James
Foose, Robert
Hess, David
Langlais, Thomas
Potter, Frances
Soltani, Tony
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Cali-Pitts, Jacqueline
Coburn, James
Dowd, John
Flockhart, Eileen
Headd, James
Itse, Daniel
Katsakiores, Phyllis
McKinney, Betsy
O'Neil, Michael
Priestley, Anne
Rolston, James
Stone, Joseph
Weldy, Norman
Zolla, William

Allen, Mary
Blanchard, MaryAnn
Camm, Kevin
Cooney, Richard
Dumaine, Dudley
Forsing, Robert
Hughes, Daniel
Johnson, Robert
Kobel, Rudolph
Morris, Richard
Packard, Sherman
Quandt, Marshall Lee
Sanders, Elisabeth
Waterhouse, Kevin
Wells, Roger

Asselin, Michael
Buxton, Donald
Casey, Kimberley
DiFruscia, Anthony
Fesh, Bob
Garritty, James
Ingram, Russell
Johnson, Rogers
Lund, Howie
Norelli, Terie
Parker, Benjamin
Quandt, Matthew
Scamman, Stella
Weare, E Albert
Weyler, Kenneth

Belanger, Ronald
Cady, Harriet
Charron, Gene
Dodge, Robert
Flanders, John Sr
Gilbert, Karl
Introne, Robert
Katsakiores, George
Mason, April
Nowe, Ronald
Powers, James
Robertson, Carl
Splaine, James
Welch, David
Wiley, Robert

STRAFFORD

Berube, Roger
Callaghan, Frank
Domingo, Baldwin
Heon, Richard
Kaen, Naida
Rollo, Michael
Snyder, Clair
Twombly, James

Brown, Jennifer
Cataldo, Sam
Dunlap, Patricia
Hilliard, Dana
Keans, Sandra
Rous, Emma
Spang, Judith
Wall, Janet

Brown, Julie
Cilley, Jacalyn
Easson, Timothy
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Lawrence
Creteau, Irene
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Gale, Harry
Phinzy, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Jillette, Arthur Jr
Rodeschin, Beverly

and the motion to lay HB 702 on the table failed.

The question now being adoption of the committee report.

Reps. Sheila Francoeur and MacKay spoke against.

Reps. Rowe, Lasky and Dokmo spoke in favor.

Rep. Soltani yielded to questions.

Rep. Hunt requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 259 NAYS 48**YEAS 259****BELKNAP**

Allen, Janet
Tobin, William

Boyce, Laurie
Whalley, Michael

Morrison, Gail

Nedeau, Stephen

CARROLL

Babson, David Jr
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Knox, J David
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Tilton, Anna

Butcher, Suzanne
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Parkhurst, Henry
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Butynski, William
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

Dexter, Judson
Foote, Sheila
Pratt, John
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Theberge, Robert

Merrick, Scott

Morneau, Renney

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Mulholland, Catherine

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Naro, Debra

Barker, Robert
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McLeod, Martha
Solomon, Peter

Cooney, Mary
Harding, A Laurie
Mirski, Paul
Sorg, Gregory

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Adams, Jarvis IV
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Brundige, Robert
Carter, Mark
Christiansen, Lars
Crane, Elenore Casey
Dokmo, Cynthia
Foster, Linda
Ginsburg, Ruth
Graham, John
Hinkle, Peyton
Irwin, Anne-Marie
Kurk, Neal
Manney, Pamela
Mooney, Maureen
Renzullo, Andrew
Scanlon, Michael
Slocum, Lee
Sullivan, Francis
Villeneuve, Maurice

Allan, Nelson
Bergin, Peter
Buhlman, David
Chabot, Robert
Cote, David
Daniuk, Caitlin
Drisko, Richard
Francoeur, Bea
Golding, William
Harvey, Suzanne
Hirschmann, Keith
Jasper, Shawn
L'Heureux, Robert
McRae, Karen
O'Brien, William
Rochette, Eric
Schulze, Joan
Smith, David
Sullivan, Peter

Balboni, Michael
Biundo, Michael
Campbell, David
Chase, Claudia
Coughlin, Pamela
Desmarais, Vivian
Elliott, Nancy
Gargas, Carolyn
Goley, Jeffrey
Hawkins, Ken
Holden, Randolph
Jean, Claudette
Lasky, Bette
Mead, Robert
O'Connell, Timothy
Rowe, Robert
Shaw, Barbara
Souza, Kathleen
Tahir, Saghir

Baroody, Benjamin
Brassard, Paul
Carew, James
Christensen, D L Chris
Craig, James
DeVries, Betsi
Essex, David
Garrity, Patrick
Goyette, Peter Jr
Hebert, Raymond
Infantine, William
Kopka, Angeline
Lefebvre, Roland
Michon, Stephen
Pilotte, Maurice
Ryder, Donald
Shaw, Kimberly
Stepanek, Stephen
Vaillancourt, Steve

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Kidder, David
Lockwood, Priscilla
Rush, Deanna
Tilton, Joy
Whiting, Herbert

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
Klose, John
Marple, Richard
Ryan, Jim
Tupper, Frank
Williams, Robert

Brueggemann, Donald
Field, William
Hamm, Christine
L'Heureux, Stephen
McMahon, Patricia
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

Danforth, James
Foose, Robert
Hess, David
Langlais, Thomas
Potter, Frances
Soltani, Tony
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
 Bishop, Franklin
 Camm, Kevin
 Cooney, Richard
 Dowd, John
 Flockhart, Eileen
 Headd, James
 Johnson, Robert
 Kobel, Rudolph
 Morris, Richard
 Parker, Benjamin
 Quandt, Matthew
 Splaine, James
 Wells, Roger

Allen, Mary
 Blanchard, MaryAnn
 Carson, Sharon
 DiFruscia, Anthony
 Dumaine, Dudley
 Forsing, Robert
 Hughes, Daniel
 Johnson, Rogers
 Lund, Howie
 Norelli, Terie
 Powers, James
 Rolston, James
 Waterhouse, Kevin
 Weyler, Kenneth

Asselin, Michael
 Buxton, Donald
 Casey, Kimberley
 Dodge, Robert
 Fesh, Bob
 Garrity, James
 Ingram, Russell
 Katsakiores, George
 Mason, April
 O'Neil, Michael
 Priestley, Anne
 Sanders, Elisabeth
 Welch, David
 Wiley, Robert

Bettencourt, David
 Cali-Pitts, Jacqueline
 Charron, Gene
 Donahue, Richard Ken
 Flanders, John Sr
 Gilbert, Karl
 Itse, Daniel
 Katsakiores, Phyllis
 McKinney, Betsy
 Packard, Sherman
 Quandt, Marshall Lee
 Scamman, Stella
 Weldy, Norman
 Zolla, William

STRAFFORD

Berube, Roger
 Callaghan, Frank
 Domingo, Baldwin
 Heon, Richard
 Kaen, Naida
 Newton, Clifford
 Smith, Marjorie
 Taylor, Kathleen

Brown, Jennifer
 Chaplin, Duncan
 Dunlap, Patricia
 Hilliard, Dana
 Keans, Sandra
 Rollo, Michael
 Snyder, Clair
 Twombly, James

Brown, Julie
 Cilley, Jacalyn
 Easson, Timothy
 Hofemann, Roland
 Knowles, William
 Rous, Emma
 Spang, Judith
 Wall, Janet

Brown, Lawrence
 Creteau, Irene
 Grassie, Anne
 Johnson, Nancy
 Miller, Joseph
 Schmidt, Peter
 Taylor, Katherine

SULLIVAN

Cloutier, John
 Franklin, Peter
 Osgood, Philip Sr

Converse, Larry
 Gale, Harry
 Phinzy, James

Donovan, Thomas
 Houde-Quimby, Charlotte
 Prichard, Stephen

Ferland, Brenda
 Jillette, Arthur Jr
 Rodeschin, Beverly

NAYS 48**BELKNAP**

Clark, Charles
 Veazey, John

Flanders, Donald
 Wendelboe, Fran

Pilliod, James

Russell, David

CARROLL

Brown, Carolyn
 Stevens, Stanley

Chandler, Gene

Dickinson, Howard

Patten, Betsey

CHESHIRE

Emerson, Susan

Hunt, John

COOS

Remick, William

Stohl, Eric

Toll, John Jr

GRAFTON

None

HILLSBOROUGH

Barry, J Gail
 Gorman, Mary
 Wheeler, James

Batula, Peter
 Ober, Lynne

Carlson, Donald
 Price, Pamela

Emerton, Larry
 Reeves, Sandra

MERRIMACK

Anderson, Eric

MacKay, James

Osborne, Jessie

Reed, Dennis

ROCKINGHAM

Belanger, Ronald
 Francoeur, Sheila
 Introne, Robert
 Rausch, James
 Winchell, George

Cady, Harriet
 Gillick, Thomas
 Major, Norman
 Robertson, Carl

Coburn, James
 Griffin, Mary
 Manning, John
 Stone, Joseph

Dalrymple, Janeen
 Hopfgarten, Paul
 Nowe, Ronald
 Weare, E Albert

STRAFFORD

Bickford, David

Cataldo, Sam

SULLIVAN

None

and the committee report was adopted.

Ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. Norelli moved that the House reconsider its action whereby it voted **HB 323-FN**, relative to excluding social security numbers and other information from documents filed with registries of deeds, Inexpedient to Legislate.

Reps. Patten and Stohl spoke against.

Rep. Kurk spoke in favor.

Rep. Patten requested a roll call; sufficiently seconded.

The question being adoption of the motion of reconsideration.

YEAS 153 NAYS 150

YEAS 153**BELKNAP**

Pilliod, James

Wendelboe, Fran

CARROLL

Babson, David Jr

Dickinson, Howard

Martin, James

Morrow, Harry

CHESHIRE

Butcher, Suzanne
 Richardson, Barbara

Dunn, J Timothy
 Roberts, Kris

Espiels, Peter
 Robertson, Timothy

Plička, Stanley Jr
 Tilton, Anna

COOS

Merrick, Scott

Morneau, Renney

GRAFTON

Almy, Susan
 Ham, Bonnie
 McLeod, Martha

Andersen, Gene
 Hammond, Lee
 Solomon, Peter

Gionet, Edmond
 Harding, A Laurie

Giuda, Robert
 Ingbreton, Paul

HILLSBOROUGH

Adams, Jarvis IV
 Batula, Peter
 Carew, James
 Cote, David
 Daniuk, Caitlin
 Garrity, Patrick
 Harvey, Suzanne
 Jean, Claudette
 Lefebvre, Roland
 Michon, Stephen
 Rosenwald, Cindy
 Shaw, Kimberly
 Stepanek, Stephen
 Vaillancourt, Steve

Allan, Nelson
 Biundo, Michael
 Carlson, Donald
 Coughlin, Pamela
 Desmarais, Vivian
 Ginsburg, Ruth
 Hinkle, Peyton
 Kopka, Angeline
 Manney, Pamela
 Mooney, Maureen
 Rowe, Robert
 Slocum, Lee
 Sullivan, Francis
 Wheeler, James

Balboni, Michael
 Brassard, Paul
 Chase, Claudia
 Craig, James
 Emerton, Larry
 Gorman, Mary
 Hirschmann, Keith
 Kurk, Neal
 McRae, Karen
 Ober, Lynne
 Schulze, Joan
 Smith, David
 Sullivan, Peter

Baroody, Benjamin
 Campbell, David
 Christensen, D L Chris
 Crane, Elenore Casey
 Foster, Linda
 Graham, John
 Irwin, Anne-Marie
 Lasky, Bette
 Mead, Robert
 Rochette, Eric
 Shaw, Barbara
 Souza, Kathleen
 Tahir, Saghir

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	DeJoie, John	DeStefano, Stephen
Field, William	Foose, Robert	French, Barbara	Hamm, Christine
Langlais, Thomas	McMahon, Patricia	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Bettencourt, David	Cali-Pitts, Jacqueline
Camm, Kevin	Casey, Kimberley	DiFruscia, Anthony	Dodge, Robert
Gilbert, Karl	Headd, James	Hughes, Daniel	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Lund, Howie	Mason, April
McKinney, Betsy	Norelli, Terie	Parker, Benjamin	Powers, James
Quandt, Marshall Lee	Splaine, James	Welch, David	

STRAFFORD

Bickford, David	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene	Easson, Timothy
Grassie, Anne	Hofemann, Roland	Keans, Sandra	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Katherine	Taylor, Kathleen
Wall, Janet			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizz, James	

NAYS 150**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Morrison, Gail	Nedeau, Stephen	Russell, David	Tobin, William
Veazey, John	Whalley, Michael		

CARROLL

Brown, Carolyn	Buco, Thomas	Chandler, Gene	Knox, J David
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

CHESHIRE

Allen, Peter	Butynski, William	Dexter, Judson	Eaton, Daniel
Emerson, Susan	Foote, Sheila	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Pratt, John	Sawyer, Sheldon	

COOS

King, Frederick	Mears, Edgar	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Barker, Robert	Cooney, Mary	Maybeck, Margie	Mirski, Paul
Mulholland, Catherine	Naro, Debra	Sorg, Gregory	

HILLSBOROUGH

Barry, J Gail	Bergeron, Jean-Guy	Bergin, Peter	Brundige, Robert
Buhman, David	Carter, Mark	Chabot, Robert	Christiansen, Lars
Clark, Mark	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Essex, David	Francoeur, Bea	Gargaszy, Carolyn	Golding, William
Goyette, Peter Jr	Hawkins, Ken	Hebert, Raymond	Holden, Randolph

Infantine, William
O'Connell, Timothy
Renzullo, Andrew

Jasper, Shawn
Pilotte, Maurice
Ryder, Donald

L'Heureux, Robert
Price, Pamela
Scanlon, Michael

O'Brien, William
Reeves, Sandra
Villeneuve, Maurice

MERRIMACK

Bouchard, Candace
Hess, David
Lockwood, Priscilla
Reed, Dennis

Brueggemann, Donald
Kennedy, Richard
MacKay, James

Danforth, James
Kidder, David
Marple, Richard

Hager, Elizabeth
Klose, John
Osborne, Jessie

ROCKINGHAM

Asselin, Michael
Buxton, Donald
Coburn, James
Dumaine, Dudley
Forsing, Robert
Griffin, Mary
Katsakiores, George
Manning, John
Packard, Sherman
Robertson, Carl
Stone, Joseph
Wells, Roger
Zolla, William

Belanger, Ronald
Cady, Harriet
Cooney, Richard
Fesh, Bob
Francoeur, Sheila
Hopfgarten, Paul
Katsakiores, Phyllis
Morris, Richard
Priestley, Anne
Rolston, James
Waterhouse, Kevin
Weyler, Kenneth

Bishop, Franklin
Carson, Sharon
Donahue, Richard Ken
Flanders, John Sr
Garrity, James
Ingram, Russell
Kobel, Rudolph
Nowe, Ronald
Quandt, Matthew
Sanders, Elisabeth
Weare, E Albert
Wiley, Robert

Blanchard, MaryAnn
Charron, Gene
Dowd, John
Flockhart, Eileen
Gillick, Thomas
Introne, Robert
Major, Norman
O'Neil, Michael
Rausch, James
Scamman, Stella
Weldy, Norman
Winchell, George

STRAFFORD

Domingo, Baldwin
Johnson, Nancy

Dunlap, Patricia
Kaen, Naida

Heon, Richard
Knowles, William

Hilliard, Dana
Twombly, James

SULLIVAN

Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Osgood, Philip Sr

Prichard, Stephen

and reconsideration prevailed.

The question now being adoption of the committee report of Inexpedient to Legislate.

Rep. Kurk spoke against.

Rep. Patten spoke in favor and yielded to questions.

On a division vote, 149 members having voted in the affirmative and 151 in the negative, the committee report failed.

Rep. Kurk moved Ought to Pass with Amendment and offered floor amendment (0867h).

Floor Amendment (0867h)

Amend the bill by replacing all after the enacting clause with the following:

I New Sections; Registers of Deeds; Social Security Numbers and Financial Information. Amend RSA 478 by inserting after section 4-a the following new sections:

478:4-b Records; Social Security Numbers and Financial Information.

I. The preparer of a document shall not include an individual's social security number in a document that is prepared and presented for recording in the office of the register of deeds. This paragraph shall not apply to state or federal tax liens, certified copies of death certificates, and other documents required by law to contain such information that are filed or recorded in the office of the register of deeds.

II. If a deed or instrument that includes an individual's social security number, credit card number, or other financial account numbers, was filed with the register of deeds prior to January 1, 2006 and is available on the Internet, the individual may request that the register of deeds redact such information from the Internet record. The register of deeds shall establish a procedure by which individuals may request that such information be redacted from the Internet. Upon request, the information shall be redacted.

478:4-c Violation; Enforcement.

I. An individual aggrieved by a violation of RSA 478:4-b may bring against the preparer:

(a) An action to enjoin such violation.

(b) An action to recover actual monetary loss from such a violation, or to receive up to \$1,000 in damages for each such violation, whichever is greater.

(c) Both such actions.

II. It shall be an affirmative defense in any action brought under this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent a violation of RSA 478:4-b. If the court finds that the defendant willingly or knowingly or with gross negligence violated RSA 478:4-b, the court may, in its discretion, increase damages to an amount equal to not more than 3 times the amount available under paragraph I.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill prohibits, with certain limited exceptions, a person from filing with the registry of deeds a document that includes an individual's social security number. The bill also permits an individual to request that the register of deeds redact the individual's social security number, credit card number, or other financial account numbers from records that were filed prior to January 1, 2006 and are available on the internet.

On a division vote, 182 members having voted in the affirmative and 116 in the negative, floor amendment (0867h) was adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.

Motion adopted and ordered to third reading.

MOTION TO VACATE

Rep. Stephen L'Heureux moved that the House vacate the reference of *SB 208-FN*, relative to certification of driver education instructors, to the Committee on Education.

Motion adopted.

The Speaker referred *SB 208-FN*, relative to certification of driver education instructors, to the Committee on Transportation.

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 6, 2005 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 132, relative to grounds for dismissal of a teacher.

HB 346-L, relative to the procedure for withdrawal from a cooperative school district.

HB 406, revising certain provisions of the home education statutes.

HB 721, prohibiting the department of education and the state board of education from adopting a definition of an adequate education.

HB 424-FN, prohibiting the receipt of cash gifts by elected officials.

HB 255, establishing a committee to study the pricing of milk.

HB 275, defining farmers' market.

HB 432-FN, relative to the septage handling and treatment facilities grant program and the septage and sludge land application restrictions.

HB 517, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste.

HB 56, relative to food safety in restaurants.

HB 307, establishing a committee to study the feasibility of licensing residential building and remodeling contractors.

HB 594-FN, relative to retirement system classification for department of corrections correctional line personnel.

HB 401-FN-A, making an appropriation to the Seacoast Shipyard Association.

HB 478-FN-A, making an appropriation for "Newsline for the Blind."

HB 539-FN-A-L, relative to land and community heritage investment program administration.

HB 584, relative to evidence of admissions of liability in medical injury actions.

HB 619-FN, relative to skier safety and ski area responsibility.

HB 702-FN, relative to the screening and mediation of medical malpractice claims.

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds.

UNANIMOUS CONSENT

Rep. Stone addressed the House.

Rep. Craig moved that the remarks of Rep. Joseph E. Stone be printed in the Permanent Journal. Unanimously adopted.

Rep. Stone: Thank you, Mr. Speaker. Tomorrow morning, April 1st, marks the 60th anniversary of the Battle of Okinawa. On April 1, 1945, this horrendous battle began. Several years ago when I spoke on this, I asked four individuals to stand who had participated in this battle. At that time we had Representative Leighton Pratt who served in the Navy, the late Robert Milligan who served in the Navy, Representative John Flanders, who's with us today, served in the Navy, and former Representative Leo Fraser served with the 2nd Marine Air Base.

I recall vividly that morning as I climbed over the rail of a LST, down a landing net, into a Higgins boat and then proceeded to take part in the invasion of Okinawa. On February 19th of this year, we were honored to have the honorable Representative from New London, Alf Jacobson, speak to us about the Battle of Iwo Jima. Historians have said that that was a very savage battle, but historians have also said that the bloodiest battle that took place in the Pacific theater was the Battle of Okinawa. This battle went on for five months. It was a very small island, very rough terrain. The marines and the soldiers battled furiously to take this land. I've stated before and I'll state again, this island was taken yard by yard, cave by cave, hill by hill, until the victory was secured on September 2 of that year.

27,000 Americans, soldiers, marines, airmen and sailors, either lost their lives or were wounded. 91,000 Japanese were killed. 150,000 Okinawans lost their lives on their own mainland. Over 250 American ships were either sunk or severely damaged by Japanese flyers, kamakazi flyers flying suicide missions. As I've done every year since that time, on April 1st I've said a silent prayer in honor of those who gave their lives and also a silent prayer thanking God that I was one of the survivors and that I could be here today.

In this room, we have many members of the Greatest Generation, men and women who fought and served in World War II. Mr. Speaker, with your permission, I would like to have those individuals who are here stand, if I may, sir.

Thank you, Mr. Speaker, and thank you people for giving me the privilege to speak. And to my fellow marines, "Semper Fi."

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 6:20 p.m.

RECESS

HOUSE JOURNAL No. 11

Wednesday, April 6, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Rev. Dr. David F. Dodge, Pastor of the Stratham Community Church.

Eternal and ever-present God, who was and is and evermore shall be, who brings us the changing seasons and provides us with every good thing we thank You for all the blessings You bestow upon us. As we gather in this historic place to do the work of the people, we remember those who went before us, whose work created that which sustains us, and gives us the impetus to move forward as a prosperous state.

We pray this day for our national leaders that they may continue to work toward peace and the betterment of humankind around the world. We pray for those who serve our country, both at home and abroad. Particularly, New Hampshire soldiers serving in harm's way. Keep them safe. We pray in mourning for the loss of Pope John Paul II. May his legacy of love continue to foster the prospects of peace and the light of hope in a hurting world.

Hear our prayers of love and concern, O God, for those who are ill or experiencing difficult times, be they colleagues, friends or members of our own families. May they know Your healing presence and be present to us this day, loving God. Give us wisdom in our decision-making, guidance in our deliberations, and a mindfulness for those we serve with the passion of all the prophets, we pray. Amen and amen.

Rep. Elizabeth D. Blanchard led the Pledge of Allegiance.

The National Anthem was sung by Alicia Rossman, a senior at Exeter High School.

LEAVES OF ABSENCE

Reps. Albert, Alger, Peter Cote, Kelly, Lessard, Mary Ellen Martin, Maybeck, Mulholland, Palangas, Palazzo and Ross, the day, illness.

Reps. Baines, Bicknell, William Chase, Mark Clark, Clayton, Dexter, Nancy Elliott, Donald Flanders, Hollinger, Hunt, Itse, Lawrence, Moody, Reeves, Rochette, Sanders and Francis Sullivan, the day, important business.

Reps. Hagan and Lefebvre, the day, illness in the family.

Reps. Paula Johnson and Mitchell, the day, death in the family.

INTRODUCTION OF GUESTS

Robert and Cheryl Rossman, parents of the day's singer, guests of the House. Wendy Garrity, Steven Beland, Kaitlyn Duchaine, wife, son and daughter of Rep. Patrick Garrity.

Rose Kester, mother of Rep. Marjorie Smith. Somersworth High School's Social Studies Government Class, students of Rep. Hilliard. Sabrina Avedisian, guest of Reps. Headd and McKinney. Janice Ulery, wife of Rep. Ulery. Anastasia Bult, guest of the Pembroke delegation. Members of the American Legion, Ben Talford, Jack Neylon, NH Adjutant John Zachodny, NH Past Commander Tony Rabia and Adjutant General Ken Clark of the New Hampshire National Guard, guests of the State-Federal Relations and Veterans Affairs Committee.

INTRODUCTION OF SPECIAL GUEST

Rep. Weyler moved that the remarks of Thomas P. Cadmus, the National Commander of the American Legion, be printed in the Permanent Journal.

Adopted.

REMARKS

Thomas P. Cadmus: Thank you very much and good morning, Mr. Speaker of the House, Doug Scamman and Minority Leader, James Craig, and legislators one and all. As you heard, I am Tom Cadmus. I am the National Commander of the American Legion and I represent an organization of 2.7 million nationally. I hail from the state of Michigan. I've been in your great state since Sunday and I've been from one end to the other, and I've had a very enjoyable time.

The American Legion is a veterans organization and believes in supporting our veterans, our troops and alike. But if I could, I would just like to take a moment and recognize your General, Major General now, now I believe he just got appointed to Major General, doing an excellent job, General Ken Clark. Good to see you again, sir. I would also like to recognize Richard Heon, who has done the work for me to come in here and speak to you for just a few minutes this morning. My message will be brief because I've got some legionnaires in the state of Vermont that are waiting for me to get over there. So anyway, I just have a couple observations that I've seen while being in the Granite State. And number one, I got to see your state Veterans' Cemetery. What a beautiful tribute to our veterans for their final resting area! It's wonderful, and you should be proud of that. Also, I had the opportunity to visit your state Veterans' Home. You've built on to it, it's a beautiful facility and our aging veterans, what a great place as we all get to the age of senior citizens, a great place to go and that is a true tribute to your veterans in this state again. But I'd like to add that on the national level, your veterans' home is being subsidized or being paid a per diem from the Veterans' Administration from the federal level. When the President's budget came out they were only going to pay the per diem for categories 1 through 3, and indigent 4. Well, we of the American Legion stand here to say "no." We think that these veterans homes need to be subsidized for all veterans. And I know not only would it be devastating to the State of New Hampshire, but would be devastating to the State of Michigan, and the rest. All but three states have veterans' homes, and soon there will only be two, Delaware being one that is about to build one. So, I can tell you that we of the American Legion nationally are standing pat to make sure that per diem flows to all states to support our veterans' homes.

I am pleased to hear that you are recognizing your troops that are returning this month. You know, I can't get over this. I was talking to the Adjutant General of Pennsylvania, Major General Wright, and she give me a stat that even I was shocked by. The operation in Iraq is being handled by 48%, 48% of that operation is being handled by National Guard and Reservists. That's an unbelievable figure. Never before in the course of the United States, since World War II, have we used our National Guard and Reserve components so much. It's outstanding.

Just in closing, I would like to say that we, the American Legion, especially in the state of New Hampshire, we call it the American Legion Department in New Hampshire, some 25,000 strong with its Auxiliary and the Sons of the American Legion, we do a lot of good things. Such as, and it probably relates to you more than anyone, our Boys' State and Girls' State Program which we feel is a great program to introduce young people to the political process and maybe come and join this very chamber some day. We, the American Legion, sponsor those things and enjoy doing that.

Other than that, I'll let you get back to your business here at hand in this great state. Thank you from a guy from a small town in Michigan where it's really great, what a country, that I can come here and speak to the House of Representatives of the State of New Hampshire. Thank you very much.

MEMORIAL REMARKS

Rep. Weyler moved that the remarks of Rep. Price be printed in the Permanent Journal.
Adopted.

Rep. Price: Thank you, Mr. Speaker. Dawn Nolan-Piteri, a former state representative, died on March 31st at the age of 44. She served two terms representing Nashua in the House of Representatives from 1997 to 2000. In addition to her duties here in Concord, Dawn was also very active in the Nashua community. She was a licensed nurse assistant at St. Joseph's Hospital and worked for the Home Health Care and Hospice Association. She was a Sunday school teacher at Community Chapel and worked briefly at a child learning center.

I knew Dawn for a number of years, both from her work as a state representative and from various Republican campaigns in Nashua. Dawn actually lived in my ward in Nashua. Those of you who knew her know that she was dedicated to public service, to her community and to her family. And our thoughts and prayers go out to her family and her friends at this time. Thank you.

The House stood to observe a moment of silent prayer in tribute.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Joint Resolution numbered 1.

Rep. Currier, Sen. D'Allesandro for the Committee

REGULAR CALENDAR

HB 66, regulating mandatory overtime for nurses. **OUGHT TO PASS WITH AMENDMENT**
 Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill allows a nurse who has been working 12 consecutive hours the option to say no if asked to stay longer than his/her regularly scheduled shift without being disciplined. The committee received information showing that when nurses worked longer than 12 hours the chances of making medical error increased. The bill also allows an employer to enter into a written agreement with employees wishing to be exempted from this legislation and submitting those agreements to the Department of Labor. Vote 11-3.

Amendment (0725h)

Amend the title of the bill by replacing it with the following:

AN ACT regulating mandatory overtime for nurses and assistants.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Regulating Mandatory Overtime for Nurses and Assistants. Amend RSA 275 by inserting after section 60 the following new subdivision:

Mandatory Overtime for Nurses and Assistants**275:61 Prohibited Overtime.**

I. A registered nurse, licensed practical nurse, or a licensed nursing assistant licensed under RSA 326-B shall not be disciplined, or lose any right, benefit, or privilege for refusing to work more than 12 consecutive hours, except as provided in paragraph II. A nurse may be disciplined for refusing mandatory overtime in a case when overtime is required under paragraph II. Any nurse who is mandated to work more than 12 consecutive hours, as permitted by this subdivision, shall be allowed at least 8 consecutive hours of off-duty time immediately following the worked overtime.

II. The prohibition against mandatory overtime shall not apply to:

- (a) A nurse participating in surgery, until the surgery is completed;
- (b) A nurse working in a critical care unit, until another employee beginning a scheduled work shift relieves him or her;
- (c) A public health emergency; or
- (d) A nurse covered by a collective bargaining agreement containing provisions addressing the issue of mandatory overtime.

275:62 Special Agreement. Employers shall be exempted from the provisions of RSA 275:61 by written agreement between the employer and employee, made without coercion or pressure, provided the agreement is submitted to the commissioner of the department of labor. The agreement may be terminated by the employee by written notice to the employer and the commissioner of the department of labor. Said termination shall be effective 14 days after notice is provided.

275:63 Penalties. Any employer who willfully violates any provision of this subdivision shall be subject to a civil penalty under RSA 273:11-a.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill regulates mandatory overtime for nurses and assistants and provides civil penalties.

Rep. Giuda spoke against.

Rep. Osborne spoke in favor.

Rep. Holden spoke in favor and yielded to questions.

(Deputy Speaker Weyler in the Chair)

On a division vote, 175 members having voted in the affirmative and 166 in the negative, the committee amendment was adopted.

On a division vote, 205 members having voted in the affirmative and 137 in the negative, the committee report was adopted.

Ordered to third reading.

HB 217, relative to liability of third persons under workers' compensation. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony R. DiFruscia for Labor, Industrial and Rehabilitative Services: The committee believed this bill places an extra burden on the injured worker and attempts to dictate to the judi-

ciary how to handle workers compensation cases. It strikes from the statute the judge's ability to handle cases "as justice may require" and essentially ties their hands. This bill effectively boxes the judge in and does not allow him or her the flexibility or discretion needed as workers compensation cases often need. Workers' compensation all have different circumstances and should be dealt with on a case-by-case basis. This bill is the result of one court case where an insurance company lost and didn't agree with the unanimous decision of our Supreme Court. The bill is the insurance company's attempt to remedy its loss through legislation. The committee felt this one case does not merit legislation. Vote 11-2.

Committee report adopted.

HB 350, relative to enforcement of the labor protection statutes. OUGHT TO PASS WITH AMENDMENT

Rep. Randolph N.S. Holden for Labor, Industrial and Rehabilitative Services: This is a "house-keeping" bill brought to the committee by the Department of Labor. The bill allows the Commissioner to hold hearings and investigate charges of violation of the labor protection laws. In addition, the proposed legislation allows employers to recover accidental wage overpayment provided that both parties agree to the stipulations. Finally, the legislation provides for continuity with other penalty provision within labor laws. Vote 10-5.

Amendment (0836h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.

Amend the bill by replacing all after section 1 with the following:

2 Enforcement; Wage Claim; Department or Employee May File, Date Extended. Amend RSA 275:51, V to read as follows:

V. ~~[If an employee elects to file a wage claim under this section, the wage claim must be filed with the department no later than 18]~~ *A wage claim may be filed by an employee or by the department on its own motion no later than 36 months from the date the employee knew the wages were due.* The commissioner shall notify the employer by serving upon the employer a copy of such claim and an order to file with the commissioner within 10 days from the receipt of such notice any objections to such claim specifying the grounds therefor. Service may be by certified mail with return receipt. If objection is not made within 10 days, the commissioner may order that payment be made in accordance with the claim. If requested, a hearing shall be afforded at which time any party may appear, with counsel if desired, and present evidence and cross-examine opposing witnesses. Any party, at the party's own expense, may cause a record to be made of the hearing. A written decision shall be made within 30 days after the hearing stating the decision and specifying the facts and conclusions upon which the decision is based. If wages are found to be due, an order for payment shall issue. Any party aggrieved by the decision may appeal to the superior court not later than 20 days from the date thereof by petition, setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. The scope of review by the superior court shall be limited to questions of law. ~~[After hearing and upon consideration of the record, the court may affirm, vacate or modify in whole or in part the decision of the commissioner, or may remand the matter to the commissioner for further findings.]~~ *The superior court may confirm, reverse, or modify the commissioner's decision or conduct a trial de novo, if it finds any error of law.* In the absence of a seasonable appeal, the decision and order shall be final, shall be entered upon the docket of the superior court at the request of the prevailing party, may be enforced as a judgment of the court, and shall be a lien upon the property of the employer situated in the state for a period of 3 years from the time of the decision. It is a requirement of this chapter for purposes of RSA 275:52 that a final order be immediately satisfied by the employer.

3 New Subparagraphs; Withholding of Wages; Deductions Allowed. Amend RSA 275:48, I by inserting after subparagraph (d)(2) the following new subparagraphs:

(3) Voluntary installment payments of legitimate loans made by the employer to the employee as evidenced by a document that includes the following:

(A) The time the payments will begin and end.

(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(4) Voluntary payments for the recovery of accidental overpayment of wages when the following conditions are met:

(A) The recovery is agreed to in writing.

(B) The deduction for the overpayment begins one pay period following the date the parties execute the written agreement.

(C) The written agreement specifies:

(i) The date the recovery of the overpayment will begin and end.

(ii) The amount to be deducted, which shall be agreed upon by the employer and the employee but which shall, in no event, be more than 20 percent of the employee's gross pay in any pay period.

(iii) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(5) Voluntary payments for the recovery of tuition for non-required educational costs paid by the employer for the employee to an educational institution when the specific deduction is authorized in writing prior to the deduction as evidenced by a document that includes the following:

(A) The time the payments will begin and end.

(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(6) Voluntary payments for vacation pay, paid time off pay, earned time pay, personal time pay, annual pay, sick pay, sick dependent pay, and bereavement pay pursuant to a written employment policy as required by RSA 275:49, III, when requested and paid to the employee in advance of eligibility and when the employee agrees in writing without coercion or pressure to allow the employer to deduct the amount owed from his or her final wages at the termination of employment.

4 Civil Penalties; Maximum Increased. Amend RSA 273:11-a, I to read as follows:

I. In addition to any criminal penalty provided under this title, the commissioner may, after hearing, impose a civil penalty not to exceed ~~[\$1,000]~~ **\$2,500**, as determined by the commissioner, for any violation of any of the provisions of this title or of any rule adopted pursuant to this title. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the general fund.

5 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill:

I. Empowers the commissioner to hold hearings and investigate charges of violations of the labor protection statutes either on his or her own motion or on an employee complaint.

II. Adds the department of labor as a party entitled to initiate a wage claim and extends the period in which to file a wage claim from 18 months to 36 months.

III. Allows voluntary deductions from wages for loans, accidental overpayments, tuition, and certain time off.

IV. Increases the civil penalty that the commissioner may impose from \$1,000 to \$2,500.

Rep. Holden spoke against.

Amendment failed.

Rep. Holden offered floor amendment (0916h).

Floor Amendment (0916h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.

Amend the bill by replacing all after section 1 with the following:

2 Enforcement; Wage Claim; Department or Employee May File, Date Extended. Amend RSA 275:51, V to read as follows:

V. ~~[If an employee elects to file a wage claim under this section, the wage claim must be filed with the department no later than 18]~~ **A wage claim may be filed by an employee or by the de-**

*partment on its own motion no later than 36 months from the date the employee knew the wages were due. The commissioner shall notify the employer by serving upon the employer a copy of such claim and an order to file with the commissioner within 10 days from the receipt of such notice any objections to such claim specifying the grounds therefor. Service may be by certified mail with return receipt. If objection is not made within 10 days, the commissioner may order that payment be made in accordance with the claim. If requested, a hearing shall be afforded at which time any party may appear, with counsel if desired, and present evidence and cross-examine opposing witnesses. Any party, at the party's own expense, may cause a record to be made of the hearing. A written decision shall be made within 30 days after the hearing stating the decision and specifying the facts and conclusions upon which the decision is based. If wages are found to be due, an order for payment shall issue. Any party aggrieved by the decision may appeal to the superior court not later than 20 days from the date thereof by petition, setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. ~~[The scope of review by the superior court shall be limited to questions of law. After hearing and upon consideration of the record, the court may affirm, vacate or modify in whole or in part the decision of the commissioner, or may remand the matter to the commissioner for further findings.]~~ **The superior court may confirm, reverse, or modify the commissioner's decision or conduct a trial de novo, as justice may require.** In the absence of a seasonable appeal, the decision and order shall be final, shall be entered upon the docket of the superior court at the request of the prevailing party, may be enforced as a judgment of the court, and shall be a lien upon the property of the employer situated in the state for a period of 3 years from the time of the decision. It is a requirement of this chapter for purposes of RSA 275:52 that a final order be immediately satisfied by the employer.*

3 New Subparagraphs; Withholding of Wages; Deductions Allowed. Amend RSA 275:48, 1 by inserting after subparagraph (d)(2) the following new subparagraphs:

(3) Voluntary installment payments of legitimate loans made by the employer to the employee as evidenced by a document that includes the following:

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(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(4) Voluntary payments for the recovery of accidental overpayment of wages when the following conditions are met:

(A) The recovery is agreed to in writing.

(B) The deduction for the overpayment begins one pay period following the date the parties execute the written agreement.

(C) The written agreement specifies:

(i) The date the recovery of the overpayment will begin and end.

(ii) The amount to be deducted, which shall be agreed upon by the employer and the employee but which shall, in no event, be more than 20 percent of the employee's gross pay in any pay period.

(iii) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(5) Voluntary payments for the recovery of tuition for non-required educational costs paid by the employer for the employee to an educational institution when the specific deduction is authorized in writing prior to the deduction as evidenced by a document that includes the following:

(A) The time the payments will begin and end.

(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

(6) Voluntary payments for vacation pay, paid time off pay, earned time pay, personal time pay, annual pay, sick pay, sick dependent pay, and bereavement pay pursuant to a written employment policy as required by RSA 275:49, III, when requested and paid to the employee in advance of eligibility and when the employee agrees in writing without coercion or pressure to allow the employer to deduct the amount owed from his or her final wages at the termination of employment.

4 Civil Penalties; Maximum Increased. Amend RSA 273:11-a, I to read as follows:

I. In addition to any criminal penalty provided under this title, the commissioner may, after hearing, impose a civil penalty not to exceed [~~\$1,000~~] **\$2,500**, as determined by the commissioner, for any violation of any of the provisions of this title or of any rule adopted pursuant to this title. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the general fund.

5 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill:

I. Empowers the commissioner to hold hearings and investigate charges of violations of the labor protection statutes either on his or her own motion or on an employee complaint.

II. Adds the department of labor as a party entitled to initiate a wage claim and extends the period in which to file a wage claim from 18 months to 36 months.

III. Allows voluntary deductions from wages for loans, accidental overpayments, tuition, and certain time off.

IV. Increases the civil penalty that the commissioner may impose from \$1,000 to \$2,500. Floor amendment (0916h) adopted.

Report adopted and ordered to third reading.

HB 665-FN-L, relative to the applicable minimum wage for hourly employees. OUGHT TO PASS WITH AMENDMENT

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: This was a good compromise that most people could live with. The amendment would give a one dollar increase after two years. Fifty cents September 1, 2005 and fifty cents September 1, 2006. The committee heard a wide range of testimony and felt it was time. Vote 11-2.

Amendment (0853h)

Amend the introductory paragraph of RSA 279:21 as inserted by section 1 of the bill by replacing it with the following:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

Date	Hourly Rate
[April 1, 1991 to September 30, 1996	\$4.25
October 1, 1996 to August 31, 1997	\$4.75]
On and after September 1, 1997	\$5.15
<i>On and after September 1, 2005</i>	<i>\$5.65</i>
<i>On and after September 1, 2006</i>	<i>\$6.15</i>

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$20 a month in tips directly from the customers will receive a base rate from the employer of not less than \$2.38 per hour. With any change to the minimum wage after the effective date of this section, the employer is responsible to pay employees \$2.38 per hour or 45 percent of the applicable minimum wage whichever is higher. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

Amendment adopted.

Rep. Adams spoke against and yielded to questions.

Rep. Marjorie Smith spoke in favor and yielded to questions.

Rep. Phyllis Katsakiores spoke against.

Reps. Holden and Norelli spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 197 NAYS 157**YEAS 197****BELKNAP**

Heald, Bruce	Morrison, Gail	Pilliod, James
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CARROLL

Buco, Thomas	Knox, J David	Morrow, Harry	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espiefs, Peter	Foote, Sheila
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Morneau, Renney	Remick, William	Richardson, Herbert	Theberge, Robert

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter		

HILLSBOROUGH

Aboshar, Jeffrey	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Campbell, David	Chabot, Robert
Chase, Claudia	Clemons, Jane	Cote, David	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Egbers, Fran	Essex, David	Foster, Linda
Garity, Patrick	Gibson, John	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony Sr	Messier, Irene
Michon, Stephen	Mooney, Maureen	Movsesian, Lori	Pappas, Christopher
Pilotte, Maurice	Rosenwald, Cindy	Scanlon, Michael	Schulze, Joan
Shaw, Barbara	Shaw, Kimberly	Smith, David	Souza, Kathleen
Sullivan, Peter	Villeneuve, Maurice		

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald	Cali-Pitts, Jacqueline
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia
Flanders, John Sr	Flockhart, Eileen	Gilbert, Karl	Gould, Kenneth
Hughes, Daniel	Hutchinson, Karen	Johnson, Robert	Langley, Jane
Mason, April	McKinney, Betsy	Norelli, Terie	Pantelakos, Laura
Powers, James	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Serlin, Christopher	Splaine, James	Stone, Joseph	Weldy, Norman
Wells, Roger	Wiley, Robert	Winchell, George	

STRAFFORD

Berube, Roger
 Callaghan, Frank
 Dunlap, Patricia
 Johnson, Nancy
 Miller, Joseph
 Smith, Marjorie
 Taylor, Kathleen

Brown, Jennifer
 Cilley, Jacalyn
 Goodwin, Earle
 Kaen, Naida
 Rollo, Michael
 Snyder, Clair
 Wall, Janet

Brown, Julie
 Creteau, Irene
 Heon, Richard
 Keans, Sandra
 Rous, Emma
 Spang, Judith

Brown, Lawrence
 Domingo, Baldwin
 Hofemann, Roland
 Knowles, William
 Schmidt, Peter
 Taylor, Katherine

SULLIVAN

Cloutier, John
 Franklin, Peter
 Phinizy, James

Converse, Larry
 Gale, Harry
 Prichard, Stephen

Donovan, Thomas
 Houde-Quimby, Charlotte

Ferland, Brenda
 Jillette, Arthur Jr

NAYS 157**BELKNAP**

Allen, Janet
 Nedeau, Stephen
 Tilton, Franklin
 Whalley, Michael

Boyce, Laurie
 Rosen, Ralph
 Tobin, William

Clark, Charles
 Russell, David
 Veazey, John

Fitzgerald, James
 Thomas, John
 Wendelboe, Fran

CARROLL

Ahlgren, Christopher
 Dickinson, Howard
 Philbrick, Donald

Babson, David Jr
 Martin, James
 Stevens, Stanley

Brown, Carolyn
 McConkey, Mark

Chandler, Gene
 Patten, Betsey

CHESHIRE

Hogancamp, Deborah

Sawyer, Sheldon

COOS

King, Frederick

Stohl, Eric

Tholl, John Jr

GRAFTON

Eaton, Stephanie
 Sorg, Gregory

Giuda, Robert
 Ward, John

Ingbretson, Paul
 Williams, Burton

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
 Biundo, Michael
 Calawa, Leon Jr
 Christensen, D L Chris
 Dyer, Donald
 Golding, William
 Hebert, Raymond
 Hunter, Bruce
 L'Heureux, Robert
 O'Brien, William
 Price, Pamela
 Slocum, Lee
 Vaillancourt, Steve

Barry, J Gail
 Boehm, Ralph
 Carew, James
 Christiansen, Lars
 Emerton, Larry
 Goyette, Peter Jr
 Hellwig, Steve
 Infantine, William
 Manney, Pamela
 O'Connell, Timothy
 Renzullo, Andrew
 Stepanek, Stephen
 Wheeler, James

Batula, Peter
 Brundige, Robert
 Carlson, Donald
 Coughlin, Pamela
 Francoeur, Bea
 Hansen, Ryan
 Hinkle, Peyton
 Jasper, Shawn
 McRae, Karen
 Ober, Lynne
 Rowe, Robert
 Tahir, Saghir
 Wheeler, Robert

Bergeron, Jean-Guy
 Buhlman, David
 Carter, Mark
 Drisko, Richard
 Gargas, Carolyn
 Hawkins, Ken
 Hirschmann, Keith
 Kurk, Neal
 Mead, Robert
 Pepino, Leo
 Ryder, Donald
 Ulery, Jordan

MERRIMACK

Anderson, Eric
 Kidder, David
 Marple, Richard

Currier, David
 Klose, John
 Maxfield, Roy

Field, William
 L'Heureux, Stephen
 Oliver, James

Hess, David
 Langlais, Thomas
 Reed, Dennis

ROCKINGHAM

Belanger, Ronald
 Carson, Sharon

Bettencourt, David
 Charron, Gene

Cady, Harriet
 Coburn, James

Camm, Kevin
 Dalrymple, Janeen

Dodge, Robert	Donahue, Richard Ken	Dowd, John	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gillick, Thomas	Griffin, Mary	Headd, James
Hopfgarten, Paul	Ingram, Russell	Introne, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
Major, Norman	Manning, John	McMahon, Charles	Moore, Benjamin
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Parker, Benjamin	Priestley, Anne	Putnam, Ed II	Rausch, James
Rolston, James	Scamman, Stella	Smith, Paul	Stiles, Nancy
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weyler, Kenneth
Zolla, William			

STRAFFORD

Bickford, David	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford	Twombly, James	

SULLIVAN

Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
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and the committee report was adopted.

Ordered to third reading.

HB 392-FN, increasing the mileage reimbursement rate for members of the legislature. **OUGHT TO PASS**

Rep. Betsy McKinney for Legislative Administration: In the past century, mileage rates for the state plan have been addressed and increased to keep pace with costs every 10 years. However, after 1979 when they set the current rate, 38 cents per mile and 19 cents per mile in excess of 45 miles, no one looked at the issue in 1989 or 1999. We heard testimony that this poses a real hardship for those who come to Concord from the North Country or those that stay overnight. The bill changes the mileage rate to 76 cents per mile and 38 cents per mile, and makes it effective in the next session, January 1, 2007. We did hear testimony that the rate adjusted for inflation really should be 99 cents per mile, but the committee declined that amount and the legislature can look at it again in 2009. Vote 10-1.

On a division vote, 253 members having voted in the affirmative and 87 in the negative, the committee report was adopted.

Ordered to third reading.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire day. **OUGHT TO PASS**

Rep. Paul C. Smith for Legislative Administration: The Boy Scouts of America is an organization that on February 5, 2005 turned ninety-five-years old. In those 95 years, scouting has made great leaders out of boys including astronauts, presidents, actors, businessmen, philanthropists-the list goes on and on. While some view the Boy Scouts as discriminatory, it remains a private organization that has withstood countless legal battles with the ultimate goal of instilling morals and character in its membership. This resolution has bi-partisan support, as it should, because Scouts come from all walks of life, regardless of party, station, etc. This resolution does one thing, commends the Boy Scouts for one day. That does not seem unacceptable. Vote 7-4.

Committee report adopted and ordered to third reading.

HB 90, relative to private driving instruction and exhibition facilities. **MAJORITY: INEXPE- DIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the Majority of Municipal and County Government: The bipartisan majority feels that this bill does not need further action by this legislature. The issue that precipitated this bill was legislative intervention last session. This committee strongly feels that this is a local issue and the committee will not play the role of arbiter. The fact that the legislature intervened last year has absolutely nothing to do with the substance of the matter. This issue needs to be addressed at the local level with all the tools that the legislature has given those local communities to deal with any and all land use issues at the local level. Due process will provide for any appeal if that is deemed appropriate or necessary. Vote 14-5.

Rep. Nancy K. Johnson for the Minority of Municipal and County Government: The committee heard overwhelming public testimony in support of HB 90. This bill repeals RSA 287-G enacted last year,

which exempts "private driving instructions and exhibition facilities" from municipal regulation under RSA 31:41-a and RSA 31:42. The bill is not about Tamworth. While last year's changes were advocated by representatives of the proposed Tamworth race track and had the most immediate impact there, they removed the ability of any municipality to apply a local race track ordinance. The minority believes that it is a dangerous precedent for the legislature to take away local control. Passing HB 90 would restore local control which is so vital to the New Hampshire way.

Rep. Merrow spoke against.

Reps. Dowd and Stohl spoke in favor and yielded to questions.

Reps. Schmidt and Dickinson spoke against and yielded to questions.

Rep. Buhlman spoke in favor.

Rep. Merrow requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 160 NAYS 191

YEAS 160

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Nedeau, Stephen	Rosen, Ralph	Thomas, John	Tilton, Franklin
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Brown, Carolyn	Chandler, Gene	McConkey, Mark	Patten, Betsey
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CHESHIRE

Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Roberts, Kris
Sawyer, Sheldon			

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Cooney, Mary	Gionet, Edmond	Giuda, Robert	Ingbertson, Paul
Mirski, Paul	Solomon, Peter		

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carlson, Donald	Carter, Mark	Chabot, Robert	Christiansen, Lars
Clemons, Jane	Coughlin, Pamela	Crane, Elenore Casey	Dyer, Donald
Emerton, Larry	Francoeur, Bea	Gibson, John	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Goyette, Peter Jr	Graham, John
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Holden, Randolph	Infantine, William	Jasper, Shawn
Jean, Claudette	Matarazzo, Anthony Sr	McRae, Karen	Ober, Lynne
Price, Pamela	Renzullo, Andrew	Shaw, Barbara	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Danforth, James	Field, William	Greco, Vincent	Klose, John
L'Heureux, Stephen	Marple, Richard	Oliver, James	Osborne, Jessie
Reardon, Tara	Soltani, Tony	Whiting, Herbert	

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	Dalrymple, Janeen
Dodge, Robert	Donahue, Richard Ken	Dowd, John	Dowling, Patricia
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr

Forsing, Robert
Griffin, Mary
Introne, Robert
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Putnam, Ed II
Stiles, Nancy
Weyler, Kenneth

Francoeur, Sheila
Headd, James
Johnson, Rogers
Lund, Howie
Moore, Benjamin
Packard, Sherman
Quandt, Marshall Lee
Waterhouse, Kevin
Wiley, Robert

Gilbert, Karl
Hopfgarten, Paul
Katsakiores, George
Major, Norman
Morris, Richard
Parker, Benjamin
Rausch, James
Welch, David
Zolla, William

Gillick, Thomas
Ingram, Russell
Katsakiores, Phyllis
Manning, John
Nowe, Ronald
Priestley, Anne
Smith, Paul
Weldy, Norman

STRAFFORD

Bickford, David
Creteau, Irene
Hilliard, Dana

Brown, Jennifer
Domingo, Baldwin
Newton, Clifford

Callaghan, Frank
Easson, Timothy
Twombly, James

Campbell, W Packy
Heon, Richard

SULLIVAN

Cloutier, John

Ferland, Brenda

Gale, Harry

Osgood, Philip Sr

NAYS 191

BELKNAP

Heald, Bruce
Tobin, William

Morrison, Gail

Pilliod, James

Russell, David

CARROLL

Ahlgren, Christopher
Knox, J David
Philbrick, Donald

Babson, David Jr
Martin, James
Stevens, Stanley

Buco, Thomas
Merrow, Harry

Dickinson, Howard
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Eaton, Daniel
Plifka, Stanley Jr
Tilton, Anna

Butcher, Suzanne
Emerson, Susan
Pratt, John
Weed, Charles

Butynski, William
Parkhurst, Henry
Richardson, Barbara

Dunn, J Timothy
Pelkey, Stephen
Robertson, Timothy

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Remick, William

GRAFTON

Almy, Susan
Eaton, Stephanie
McLeod, Martha
Sorg, Gregory

Andersen, Gene
Ham, Bonnie
Naro, Debra
Ward, John

Benn, Bernard
Hammond, Lee
Nordgren, Sharon
Williams, Burton

Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Aboshar, Jeffrey
Campbell, David
Cote, David
Dokmo, Cynthia
Foster, Linda
Haley, Robert
Hunter, Bruce
L'Heureux, Robert
Messier, Irene
O'Brien, William
Pilotte, Maurice
Scanlon, Michael
Sullivan, Peter

Baroody, Benjamin
Carew, James
Daniuk, Caitlin
Drisko, Richard
Gargas, Carolyn
Hall, Betty
Irwin, Anne-Marie
Lasky, Bette
Michon, Stephen
O'Connell, Timothy
Rosenwald, Cindy
Schulze, Joan
Wheeler, Robert

Beaulieu, Jane
Chase, Claudia
Desmarais, Vivian
Egbers, Fran
Garrity, Patrick
Harvey, Suzanne
Kopka, Angeline
Manney, Pamela
Mooney, Maureen
Pappas, Christopher
Rowe, Robert
Shaw, Kimberly

Bergin, Peter
Christensen, D L Chris
DeVries, Betsi
Essex, David
Gorman, Mary
Hebert, Raymond
Kurk, Neal
Mead, Robert
Movsesian, Lori
Pepino, Leo
Ryder, Donald
Smith, David

MERRIMACK

Anderson, Eric
Clarke, Claire

Blanchard, Elizabeth
Currier, David

Bouchard, Candace
DeJoie, John

Brueggemann, Donald
DeStefano, Stephen

Foose, Robert
Hess, David
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

French, Barbara
Langlais, Thomas
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Gile, Mary
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Hamm, Christine
Maxfield, Roy
Reed, Dennis
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Cooney, Richard
Gould, Kenneth
Langley, Jane
Pantelakos, Laura
Rolston, James
Stone, Joseph

Asselin, Michael
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Hughes, Daniel
Mason, April
Powers, James
Scamman, Stella
Weare, E Albert

Bishop, Franklin
Casey, Kimberley
Flockhart, Eileen
Hutchinson, Karen
McMahon, Charles
Quandt, Matthew
Serlin, Christopher
Wells, Roger

Blanchard, MaryAnn
Charron, Gene
Garrity, James
Johnson, Robert
Norelli, Terie
Robertson, Carl
Splaine, James
Winchell, George

STRAFFORD

Berube, Roger
Chaplin, Duncan
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Julie
Cilley, Jacalyn
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Lawrence
Dunlap, Patricia
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

Cataldo, Sam
Goodwin, Earle
Keans, Sandra
Rous, Emma
Spang, Judith

SULLIVAN

Converse, Larry
Irish, Christopher
Rodeschin, Beverly

Donovan, Thomas
Jillette, Arthur Jr

Franklin, Peter
Phinizy, James

Houde-Quimby, Charlotte
Prichard, Stephen

and the committee report failed.

Rep. Merrow moved Ought to Pass with Amendment and offered floor amendment (0924h).

Floor Amendment (0924h)

Amend the bill by replacing section I with the following:

1 Repeal. RSA 287-G:1, II, relative to private driving instruction and exhibition facilities not being considered race tracks for the purposes of RSA 31:41-a or RSA 31:42, is repealed.

Rep. Merrow spoke in favor and requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (0924h).

YEAS 273 NAYS 76

YEAS 273

BELKNAP

Heald, Bruce
Russell, David
Wendelboe, Fran

Morrison, Gail
Thomas, John

Pilliod, James
Tilton, Franklin

Rosen, Ralph
Tobin, William

CARROLL

Ahlgren, Christopher
Chandler, Gene
Merrow, Harry
Stevens, Stanley

Babson, David Jr
Dickinson, Howard
Olimpio, J Lisbeth

Brown, Carolyn
Knox, J David
Patten, Betsey

Buco, Thomas
Martin, James
Philbrick, Donald

CHESHIRE

Allen, Peter
Eaton, Daniel
Hogancamp, Deborah
Pratt, John
Weed, Charles

Butcher, Suzanne
Emerson, Susan
Parkhurst, Henry
Richardson, Barbara

Butynski, William
Espies, Peter
Pelkey, Stephen
Robertson, Timothy

Dunn, J Timothy
Foote, Sheila
Plifka, Stanley Jr
Tilton, Anna

COOS

Buzzell, Bernard
Merrick, Scott

King, Frederick
Remick, William

Lary, Bruce
Theberge, Robert

Mears, Edgar
Tholl, John Jr

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Nordgren, Sharon
Ward, John

Andersen, Gene
Eaton, Stephanie
Ingbretson, Paul
Sokol, Hilda
Williams, Burton

Benn, Bernard
Ham, Bonnie
McLeod, Martha
Solomon, Peter

Bleyler, Ruth
Hammond, Lee
Naro, Debra
Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Bergin, Peter
Carew, James
Chase, Claudia
Coughlin, Pamela
DeVries, Betsi
Emerton, Larry
Garrity, Patrick
Gorman, Mary
Harvey, Suzanne
Hunter, Bruce
Kurk, Neal
Matarazzo, Anthony Sr
Mooney, Maureen
Ober, Lynne
Price, Pamela
Scanlon, Michael
Smith, David
Wheeler, Robert

Baroody, Benjamin
Brassard, Paul
Carlson, Donald
Christensen, D L Chris
Crane, Elenore Casey
Dokmo, Cynthia
Essex, David
Ginsburg, Ruth
Graham, John
Hawkins, Ken
Irwin, Anne-Marie
L'Heureux, Robert
Mead, Robert
Movsesian, Lori
Pappas, Christopher
Rosenwald, Cindy
Schulze, Joan
Souza, Kathleen

Batula, Peter
Calawa, Leon Jr
Carter, Mark
Clemons, Jane
Daniuk, Caitlin
Drisko, Richard
Foster, Linda
Golding, William
Haley, Robert
Hebert, Raymond
Jean, Claudette
Lasky, Bette
Messier, Irene
O'Brien, William
Pepino, Leo
Rowe, Robert
Shaw, Barbara
Sullivan, Peter

Beaulieu, Jane
Campbell, David
Chabot, Robert
Cote, David
Desmarais, Vivian
Egbers, Fran
Gargas, Carolyn
Goley, Jeffrey
Hall, Betty
Hirschmann, Keith
Kopka, Angeline
Manney, Pamela
Michon, Stephen
O'Connell, Timothy
Pilotte, Maurice
Ryder, Donald
Shaw, Kimberly
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Clarke, Claire
Field, William
Greco, Vincent
Lockwood, Priscilla
Oliver, James
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Blanchard, Elizabeth
Currier, David
Foose, Robert
Hamm, Christine
Marple, Richard
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Whiting, Herbert

Bouchard, Candace
DeJoie, John
French, Barbara
Hess, David
Maxfield, Roy
Owen, Derek
Rush, Deanna
Tupper, Frank
Williams, Robert

Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Langlais, Thomas
McMahon, Patricia
Potter, Frances
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Cali-Pitts, Jacqueline
Coburn, James
Donahue, Richard
Forsing, Robert
Griffin, Mary
Johnson, Robert
Langley, Jane
McMahon, Charles
Nowe, Ronald
Priestley, Anne
Robertson, Carl
Splaine, James
Weyler, Kenneth

Asselin, Michael
Blanchard, MaryAnn
Camm, Kevin
Cooney, Richard
Dowling, Patricia
Francoeur, Sheila
Headd, James
Katsakiores, George
Major, Norman
Moore, Benjamin
O'Neil, Michael
Putnam, Ed II
Rolston, James
Stone, Joseph
Wiley, Robert

Belanger, Ronald
Buxton, Donald
Casey, Kimberley
Dalrymple, Janeen
Flanders, John Sr
Garrity, James
Hughes, Daniel
Katsakiores, Phyllis
Mason, April
Morris, Richard
Pantelakos, Laura
Quandt, Marshall Lee
Scamman, Stella
Weare, E Albert
Winchell, George

Bettencourt, David
Cady, Harriet
Charron, Gene
DiFruscia, Anthony
Flockhart, Eileen
Gould, Kenneth
Hutchinson, Karen
Kobel, Rudolph
McKinney, Betsy
Norelli, Terie
Powers, James
Quandt, Matthew
Serlin, Christopher
Wells, Roger
Zolla, William

STRAFFORD

Berube, Roger
Cataldo, Sam
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Julie
Chaplin, Duncan
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Lawrence
Cilley, Jacalyn
Goodwin, Earle
Kaen, Naida
Rollo, Michael
Snyder, Clair
Twombly, James

Callaghan, Frank
Creteau, Irene
Heon, Richard
Keans, Sandra
Rous, Emma
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Phinizy, James

Converse, Larry
Irish, Christopher
Prichard, Stephen

Donovan, Thomas
Jillette, Arthur Jr
Rodeschin, Beverly

Franklin, Peter
Osgood, Philip Sr

NAYS 76**BELKNAP**

Allen, Janet
Nedeau, Stephen

Boyce, Laurie
Veazey, John

Clark, Charles
Whalley, Michael

Fitzgerald, James

CARROLL

McConkey, Mark

CHESHIRE

Roberts, Kris

Sawyer, Sheldon

COOS

Morneau, Renney

Richardson, Herbert

Stohl, Eric

GRAFTON

Gionet, Edmond

Giuda, Robert

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Buhlman, David
Gibson, John
Hinkle, Peyton
Renzullo, Andrew
Vaillancourt, Steve

Allan, Nelson
Biundo, Michael
Christiansen, Lars
Goyette, Peter Jr
Holden, Randolph
Slocum, Lee
Wheeler, James

Balboni, Michael
Boehm, Ralph
Dyer, Donald
Hansen, Ryan
Jasper, Shawn
Stepanek, Stephen

Barry, J Gail
Brundige, Robert
Francoeur, Bea
Hellwig, Steve
McRae, Karen
Ulery, Jordan

MERRIMACK

Danforth, James

Klose, John

L'Heureux, Stephen

Soltani, Tony

ROCKINGHAM

Allen, Mary
Doyle, Christopher
Gillick, Thomas
Johnson, Rogers
Parker, Benjamin
Waterhouse, Kevin

Carson, Sharon
Dumaine, Dudley
Hopfgarten, Paul
Lund, Howie
Rausch, James
Welch, David

Dodge, Robert
Fesh, Bob
Ingram, Russell
Manning, John
Smith, Paul
Weldy, Norman

Dowd, John
Gilbert, Karl
Introne, Robert
Packard, Sherman
Stiles, Nancy

STRAFFORD

Bickford, David
Newton, Clifford

Brown, Jennifer

Campbell, W Packy

Easson, Timothy

SULLIVAN

Ferland, Brenda Gale, Harry
and floor amendment (0924h) was adopted.
Motion of Ought to Pass with Amendment adopted.
Ordered to third reading.
The House recessed at 12:40 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 1: 40 p.m.

HB 233-FN-L, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school. **MAJORITY: INEXPE-DIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the Majority of Municipal and County Government: The town of Langdon is the smallest community with the Fall Mountain Regional School District. However, the regional high school was built in that town and based on the requirement that law enforcement within a town is implemented through and the responsibility of the local police department, there is disagreement among the towns that are part of the school district as to whether the town of Langdon has the full responsibility for paying for the law enforcement for the high school. A temporary solution was found when a school resource office was funded through a Cops Grant from the federal government. Now that this program is in its fourth year, the disagreement regarding the funding of a law enforcement officer is coming back. This bill proposes to require that the municipalities within the school district reimburse the town of Langdon for not less than 180 days during the school year at a rate of \$300 per diem. Whenever this type of requirement is made by the state to a local situation the unfunded mandated provision in our constitution in Part I Article 28-a must be considered. The committee urges the local governing bodies to resolve this disagreement so the students' safety and well-being will be constant. Vote 14-4.

Rep. Peter B. Schmidt for the Minority of Municipal and County Government: Ideally, arrangements for mutually beneficial services should be paid for on a fairly shared basis, and the agree-ment should be negotiated voluntarily among the affected parties. When, in the real world, a majority among such parties refuses to negotiate and unfairly leaves the payment of the said ser-vices to the minority, it is not inappropriate for a higher authority to intervene and compel a mutually and fairly shared arrangement. That was the premise of HB 233-FN-L. A minority of the committee members agreed with the bill's concept and would have preferred to see the state in-volve itself in reaching an equitable solution.
Majority committee report adopted.

HB 69, relative to property rights and large groundwater withdrawals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill as amended makes changes in the large groundwater withdrawal permits process to improve its transparency for the benefit of both the applicant and municipalities in which the withdrawal is to occur. Communica-tions are improved and a public hearing is established at the point when all relevant information on the application has been submitted by all parties. The bill also corrects inconsistencies between this permitting process and other water permits by providing for appeal of department decisions through the water council. Vote 18-1.

Amendment (0875h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to large groundwater withdrawals.

Amend the bill by replacing all after the enacting clause with the following:

I Approval for Large Groundwater Withdrawals; Municipal Information. Amend RSA 485-C:21, II to read as follows:

II. Applications for approval of water withdrawals of 57,600 gallons or more per day shall be filed with the department [in] on a form approved by the department. A preliminary report sub-mitted by a public water system pursuant to department rules shall be an application for purposes

of this section. Copies of the application *and any subsequent materials submitted to the department* shall be forwarded by certified mail by the applicant to the governing bodies of each municipality and each supplier of water within the anticipated zone of contribution to the well. *The department shall provide the governing body of each municipality with copies of any mailed correspondence sent to the applicant. The department shall provide the applicant with copies of any mailed correspondence sent to or received from the governing body of a municipality.*

2 New Paragraph; Approval for Large Groundwater Withdrawals; Hearing. Amend RSA 485-C:21 by inserting after paragraph V the following new paragraph:

V-a. Upon the request of the governing body of a municipality within the anticipated zone of contribution, the department shall hold a public hearing, after receipt of the final report, and prior to a final decision. The department shall notify the municipalities within 10 days of receiving the final report. The municipalities shall have 15 days within which to request a public hearing. Notice and response to hearing requests shall be the same as that required under paragraph IV.

3 Appeals. RSA 485-C:21, VI is repealed and reenacted to read as follows:

VI. Decisions of the department may be appealed in accordance with RSA 21-O:7, IV.

4 New Paragraph; Public Record. Amend RSA 485-C:21 by inserting after paragraph VI the following new paragraph:

VII. Records of public hearings shall be available pursuant to RSA 91-A.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Requires the department to provide each municipality with a copy of any correspondence sent to an applicant and to provide the applicant with copies of correspondence to an from a municipality.

II. Requires a public hearing prior to the issuance of a decision on an application for a large groundwater withdrawal.

III. Makes the record of a public hearing on a large groundwater withdrawal subject to RSA 91A. Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. Soltani declared a conflict of interest and did not participate.

HB 322-FN, relative to the registration fees and requirements for snow traveling vehicles. INEXPEDIENT TO LEGISLATE

Rep. David P. Currier for Resources, Recreation and Development: Under current law both residents and non-residents receive a \$30.00 discount on the registration fee of their snowmobiles each year, if they are a member of one of the 120 NHSA affiliated clubs. This law was passed in 2002 to encourage club membership which now provides annually some 56,000 hours of volunteer labor to maintain over 6,900 miles of groomed snowmobile trails in the state and helps fund the club's share of the grant-in-aid programs which split the cost of grooming equipment with the state. A 2003 study by Plymouth State University determined that snowmobile parties directly spent about \$453 million dollars each year, with the total impact from all snowmobile related spending of almost \$1.2 billion. Without this income many north country businesses would suffer during the winter months. In 2003 and 2004, attempts were made to repeal this law which were soundly defeated in the House. Because of the success demonstrated by this New Hampshire snowmobile program, the states of New York, Michigan, and Wyoming are trying to follow our example. Vote 14-4. Committee report adopted.

HB 525, establishing a committee to study the leasing of state-owned conservation land to private entities and relative to a temporary prohibition on the leasing of such lands. INEXPEDIENT TO LEGISLATE

Rep. David P. Currier for Resources, Recreation and Development: This bill would have established a committee to study the leasing of state-owned conservation land to private entities and prohibits any department, agency, or political subdivision of the state from initiating, altering, or executing a lease of state-owned conservation land to a private entity until the study committee has submitted its final report, or until November 1, 2006, whichever is later. The subject matter was so related to another piece of legislation before the committee (House Bill 419) that the committee decided to recommend Inexpedient to Legislate on this bill to concentrate its' efforts on House Bill 419. Vote 19-0. Committee report adopted.

HB 520, relative to the USA Patriot Act. **INEXPEDIENT TO LEGISLATE**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The majority of the committee believes that the State of New Hampshire cannot nullify a federal law through a House Bill. This type of legislation should be done through a House Resolution. Vote 10-3. Committee report adopted.

HB 453-FN, relative to boat launch access and parking without charge at Hampton and Rye harbors for persons 65 years of age or older. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin E. Parker for Ways and Means: This bill would have codified free boat launch access and parking for persons 65 years of age or older at these two harbor facilities only. Responsibility for these harbors was recently transferred from the Department of Resources and Economic Development (DRED) to the Pease Development Authority and at that time the fees were enforced. Upon research, it was determined that at no time had DRED been authorized to waive these fees. Further, the committee believes no compelling policy consideration warranted waiving these fees for this segment of the population. Vote 16-3. Committee report adopted.

HB 601-FN, allowing businesses to apply the investment tax credit to contributions made to scholarship funding organizations. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin E. Parker for Ways and Means: This bill included a number of policy issues related to education finance and vouchers in the form of scholarships. However, the committee focused only on the revenue policy aspect of the bill. The bill allowed the taxpayer a partial credit against taxes for amounts contributed to a "scholarship funding organization." This organization would then, at its discretion, grant scholarships to students with the understood purpose of defraying education tuition costs. Upon taxpayer initiative, the bill would have taken revenues otherwise bound for the general fund and dedicated them to an organization beyond the control and auspices of the legislature. Despite any other possible merits of this bill, the committee believes that diverting revenue from the general fund for this purpose and removing the legislature from the appropriation process is inappropriate policy. Vote 15-0. Committee report adopted.

HB 305, relative to amended warrant articles on official ballots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nancy K. Johnson for the Majority of Municipal and County Government: The bill would require that in every official ballot municipality, any warrant article that is amended at the deliberative session, both the original and the amended article, would be put on the ballot. The result of this would mean that potentially the number of warrant articles before the voters would double. The voters would be confronted with the volume of conflicting articles. In addition when municipalities voted in the official ballot, they did so with the understanding that warrant articles could be amended at the deliberative session. To change this would mean we would be changing a basic principle of official ballot municipalities. Vote 10-7.

Rep. Laurie J. Boyce for the Minority of Municipal and County Government: In an official ballot town, a warrant article may be changed during the deliberative session that is not well attended due to a variety of reasons – when the meeting is held, the length of the meeting and the lack of involvement at the local level. The idea of having an official ballot referendum type of government was to get more voters involved in the process. It dramatically increased the attendance at the polls, but not attendance at the deliberative session. Now during that session a warrant article can be totally changed to have the opposite meaning of the original warrant article. This bill would require that both articles – the original and the amended version – be placed on the ballot with a place to mark the voter's preference beside each question. The minority feels that having both articles on the ballot would create a better situation and not disenfranchise the voters.

Rep. Hawkins spoke against.

Rep. Nancy Johnson spoke in favor.

Rep. O'Brien requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 231 NAYS 93**YEAS 231****BELKNAP**

Allen, Janet
Nedeau, Stephen
Veazey, John

Fitzgerald, James
Pilliod, James
Whalley, Michael

Heald, Bruce
Russell, David

Morrison, Gail
Thomas, John

CARROLL

Brown, Carolyn
Knox, J David
Philbrick, Donald

Buco, Thomas
Merrow, Harry
Stevens, Stanley

Chandler, Gene
Olimpio, J Lisbeth

Dickinson, Howard
Patten, Betsey

CHESHIRE

Allen, Peter
Eaton, Daniel
Parkhurst, Henry
Roberts, Kris

Butcher, Suzanne
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

Butynski, William
Foote, Sheila
Pratt, John
Tilton, Anna

Dunn, J Timothy
Hogancamp, Deborah
Richardson, Barbara
Weed, Charles

COOS

Buzzell, Bernard
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Mears, Edgar
Tholl, John Jr

Merrick, Scott

GRAFTON

Almy, Susan
Ham, Bonnie
Nordgren, Sharon

Benn, Bernard
Hammond, Lee
Sokol, Hilda

Bleyler, Ruth
Harding, A Laurie
Solomon, Peter

Cooney, Mary
McLeod, Martha
Ward, John

HILLSBOROUGH

Aboshar, Jeffrey
Boehm, Ralph
Carlson, Donald
Cote, David
Desmarais, Vivian
Egbers, Fran
Gargas, Carolyn
Gorman, Mary
Hebert, Raymond
Irwin, Anne-Marie
Kurk, Neal
McRae, Karen
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Barbara

Baroody, Benjamin
Brassard, Paul
Chase, Claudia
Coughlin, Pamela
DeVries, Betsi
Emerton, Larry
Garrity, Patrick
Goyette, Peter Jr
Hinkle, Peyton
Jasper, Shawn
L'Heureux, Robert
Michon, Stephen
Pappas, Christopher
Rowe, Robert
Shaw, Kimberly

Beaulieu, Jane
Brundige, Robert
Christensen, D L Chris
Craig, James
Dokmo, Cynthia
Essex, David
Ginsburg, Ruth
Haley, Robert
Holden, Randolph
Jean, Claudette
Lasky, Bette
Mooney, Maureen
Pepino, Leo
Scanlon, Michael
Smith, David

Bergin, Peter
Campbell, David
Clemons, Jane
Daniuk, Caitlin
Drisko, Richard
Foster, Linda
Goley, Jeffrey
Hall, Betty
Hunter, Bruce
Kopka, Angeline
Manney, Pamela
Movsesian, Lori
Price, Pamela
Schulze, Joan
Sullivan, Peter

MERRIMACK

Anderson, Eric
Clarke, Claire
Field, William
Hamm, Christine
MacKay, James
Potter, Frances
Ryan, Jim
Williams, Robert

Blanchard, Elizabeth
Danforth, James
Foote, Robert
Hess, David
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Yeaton, Charles

Bouchard, Candace
DeJoie, John
Gile, Mary
Klose, John
Osborne, Jessie
Reed, Dennis
Tilton, Joy

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
Lockwood, Priscilla
Owen, Derek
Rush, Deanna
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn

Allen, Mary
Buxton, Donald

Asselin, Michael
Cali-Pitts, Jacqueline

Belanger, Ronald
Carson, Sharon

Casey, Kimberley
Dodge, Robert
Flanders, John Sr
Garrity, James
Hughes, Daniel
Kobel, Rudolph
Norelli, Terie
Parker, Benjamin
Robertson, Carl
Stiles, Nancy
Wiley, Robert

Coburn, James
Dowd, John
Flockhart, Eileen
Gillick, Thomas
Johnson, Robert
Langley, Jane
O'Neil, Michael
Priestley, Anne
Scamman, Stella
Weare, E Albert
Winchell, George

Cooney, Richard
Dowling, Patricia
Forsing, Robert
Gould, Kenneth
Katsakiores, George
Major, Norman
Packard, Sherman
Putnam, Ed II
Serlin, Christopher
Welch, David

Dalrymple, Janeen
Doyle, Christopher
Francoeur, Sheila
Headd, James
Katsakiores, Phyllis
Mason, April
Pantelakos, Laura
Rausch, James
Splaine, James
Weldy, Norman

STRAFFORD

Berube, Roger
Campbell, W Packy
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Twombly, James

Brown, Jennifer
Cataldo, Sam
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Snyder, Clair
Wall, Janet

Brown, Lawrence
Cilley, Jacalyn
Goodwin, Earle
Keans, Sandra
Rous, Emma
Spang, Judith

Callaghan, Frank
Creteau, Irene
Heon, Richard
Knowles, William
Schmidt, Peter
Taylor, Katherine

SULLIVAN

Cloutier, John
Gale, Harry
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte
Rodeschin, Beverly

Donovan, Thomas
Jillette, Arthur Jr

Franklin, Peter
Phinizy, James

NAYS 93

BELKNAP

Boyce, Laurie
Tobin, William

Clark, Charles
Wendelboe, Fran

Rosen, Ralph

Tilton, Franklin

CARROLL

Ahlgren, Christopher

Babson, David Jr

Martin, James

McConkey, Mark

CHESHIRE

Emerson, Susan

Pelkey, Stephen

Sawyer, Sheldon

COOS

Morneau, Renney

Remick, William

GRAFTON

Andersen, Gene
Sorg, Gregory

Giuda, Robert
Williams, Burton

Ingbretson, Paul

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Carew, James
Francoeur, Bea
Hawkins, Ken
Mead, Robert
Pilotte, Maurice
Souza, Kathleen
Villeneuve, Maurice

Balboni, Michael
Biundo, Michael
Chabot, Robert
Golding, William
Hellwig, Steve
Messier, Irene
Renzullo, Andrew
Stepanek, Stephen
Wheeler, James

Barry, J Gail
Buhlman, David
Crane, Elenore Casey
Graham, John
Hirschmann, Keith
O'Brien, William
Ryder, Donald
Ulery, Jordan

Batula, Peter
Calawa, Leon Jr
Dyer, Donald
Harvey, Suzanne
Matarazzo, Anthony Sr
Ober, Lynne
Slocum, Lee
Vaillancourt, Steve

MERRIMACK

French, Barbara
Soltani, Tony

Kennedy, Richard
Whiting, Herbert

Langlais, Thomas

Marple, Richard

ROCKINGHAM

Bettencourt, David
DiFruscia, Anthony
Gilbert, Karl
Johnson, Rogers
Powers, James
Smith, Paul
Zolla, William

Cady, Harriet
Donahue, Richard Ken
Griffin, Mary
Lund, Howie
Quandt, Marshall Lee
Waterhouse, Kevin

Camm, Kevin
Dumaine, Dudley
Hopfgarten, Paul
McMahon, Charles
Quandt, Matthew
Wells, Roger

Charron, Gene
Fesh, Bob
Introne, Robert
Nowe, Ronald
Rolston, James
Weyler, Kenneth

STRAFFORD

Brown, Julie

Chaplin, Duncan

Kaen, Naida

Newton, Clifford

SULLIVAN

Ferland, Brenda

Irish, Christopher

Osgood, Philip Sr

and the majority committee report was adopted.

RESOLUTION

Reps. O'Neil and Craig offered the following: **RESOLVED**, that late drafting and introduction having been approved by the Rules Committee, House Concurrent Resolution numbered 11, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court, shall be by this resolution read a first and second time by the therein listed title. Adopted.

INTRODUCTION OF HCR 11**First and second reading**

HCR 11, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court. (W. D. Scamman, Rock 13; Eaton, Dist 10)

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the Rules be so far suspended as to permit consideration at the present time, of **HCR 11**, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court.

Adopted by the necessary two-thirds.

CONSIDERATION OF HCR 11

HCR 11, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court.

Rep. O'Neil moved Ought to Pass.

Rep. Hughes spoke against.

Rep. Soltani spoke in favor.

Reps. Pratt and Hess spoke in favor and yielded to questions.

The question being adoption of the motion of Ought to Pass.

On a division vote, 261 members having voted in the affirmative and 80 in the negative, the motion of Ought to Pass was adopted.

Ordered to third reading.

REGULAR CALENDAR (CONT'D.)

HB 417, relative to petitions for municipal charter revisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John P. Dowd for the Majority of Municipal and County Government: This bill would lower the bar for the number of signatures needed for the revision of or initiation of a town charter form of government from 20% of the number of votes cast in the last regular municipal election to 500 signatures. There is nothing more sacred than the form of government of a community and there is a lot of time and dollars involved in a charter revision. The number of signatures should be difficult enough so that it can not be done without due diligence. Vote 14-3.

Rep. Paul R. Hopfgarten for the Minority of Municipal and County Government: This bill would set a maximum number of signatures required for charter amendments or charter commissions.

Whereas warrant articles have a maximum number of signatures (25) needed to place on the warrant, it was felt by the minority that having a maximum of 500 signatures of registered voters for a charter change was reasonable and prudent. The current law of 20% of the voters in the last municipal election is a volatile standard which could fluctuate significantly year to year. This bill does not change the fact that voter approval is still necessary at a separate election to approve any changes to a charter, and 3 votes are needed to affect a new charter; one to approve a commission, one to elect said commission, and one to approve the new charter. This bill sets an equitable standard for securing petition signatures
Majority committee report adopted.

HB 314-FN, requiring public restrooms in the division of motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Paul C. Smith for Public Works and Highways: This bill was an important topic of discussion for this committee and one that was not taken lightly. The bill requires public restrooms in all Department of Motor Vehicle buildings around the state. While the majority did not disagree with adding restroom facilities to the premises, at this time it is not appropriate or fiscally sound. During the hearing and afterward, committee members asked very tough questions of the Department of Safety. Since the hearing, the department has agreed that in the future, when planning to lease a facility, they will not consider any location without restroom facilities available to the public. Of the existing Department of Motor Vehicle facilities, a few share the building with State Police barracks and the department testified that to open the restrooms would allow the public to enter restricted areas and to fix this problem in those barracks could cost between 50,000 to 100,000 dollars or more in each case. In addition, several facilities that had public restroom facilities were forced to close them due to extreme vandalism and the cost of repair. The debate over this bill was not whether it should pass; it was over retention, or inexpedient to legislate, with the minority of the committee contending that to have legislation on hand would hold the department accountable. The majority of the committee believed that just as the department was willing to comply with the notion to not consider any new locations or leases without a restroom facility, so will they be willing to comply with other ideas such as listing facilities with restrooms on all renewal notices and such. Again, this committee took a hard look at this bill and asked the questions that needed to be asked and we believe that the department is willing to change its practices without legislative mandate. Vote 10-7.

Rep. Weare spoke against.

Rep. Chandler spoke in favor and yielded to questions.

Committee report adopted.

(Deputy Speaker Weyler in the Chair)

HB 419, relative to the Mount Sunapee ski area boundary and lease terms. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: This bill would suspend any action on the proposed expansion of the Mt. Sunapee State Park Lease until a study committee files a report on November 1, 2006. The legislature in 1997 authorized a lease of the ski operations at Mt. Sunapee to a private operator and gave oversight of the lease to the Department of Resources and Economic Development (DRED) and the Governor and Council. The majority of the committee supports ITL because we are convinced that any proposed changes in the ski area lease should remain with DRED and the Governor and Council following the recommendation of the Department of Resources and Economic Development as outlined in the original lease. Vote 12-9.

Rep. Dennis F. Abbott for the Minority of Resources, Recreation and Development: This bill seeks to resolve an issue regarding the intent of the legislature when it authorized the lease of the Mount Sunapee ski area. It is the belief of the Minority that the legislature did not grant to the Department of Resources and Economic Development the ability to approve the expansion of operations beyond the existing ski area described in the lease and operating agreement, nor did the legislature contemplate any expansion that would primarily benefit a private real estate development. Rather, the type of expansion contemplated by the legislature was one that would benefit the general public. The minority does not dispute the testimony that Okemo Mountain, Inc. has operated Sunapee in a profitable manner, and has no issue with any associated housing

development on private land. However, many individuals and organizations testifying before the committee questioned devoting state resources to benefit a private real estate development. The Minority maintains that legislative intent must be determined to ensure that the proper process is observed, and the rights and privileges of all our citizens wishing to use the park for multiple purposes are protected.

Reps. Spang and Abbott spoke against and yielded to questions.

Rep. Kurk spoke against.

Reps. Dickinson, Chandler and King spoke in favor.

Rep. David Campbell spoke in favor and yielded to questions.

(Speaker Scamman in the Chair)

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 202 NAYS 135

YEAS 202

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Heald, Bruce	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Emerson, Susan	Hogancamp, Deborah	Pelkey, Stephen	Roberts, Kris
Sawyer, Sheldon			

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Barker, Robert	Cooney, Mary	Eaton, Stephanie	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	McLeod, Martha	Mirski, Paul
Sorg, Gregory	Ward, John	Williams, Burton	

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Campbell, David	Carew, James
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Coughlin, Pamela	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Emerton, Larry	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Golding, William	Goley, Jeffrey
Goyette, Peter Jr	Graham, John	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Hunter, Bruce	Infantine, William	Jasper, Shawn	L'Heureux, Robert
Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Shaw, Barbara	Slocum, Lee	Stepanek, Stephen
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric
Hager, Elizabeth
Lockwood, Priscilla
Soltani, Tony

Currier, David
Hess, David
MacKay, James
Whiting, Herbert

Danforth, James
Klose, John
Marple, Richard

Field, William
Langlais, Thomas
Reed, Dennis

ROCKINGHAM

Allen, Mary
Buxton, Donald
Charron, Gene
DiFruscia, Anthony
Dowling, Patricia
Forsing, Robert
Gillick, Thomas
Hughes, Daniel
Johnson, Robert
Kobel, Rudolph
McKinney, Betsy
Packard, Sherman
Quandt, Matthew
Smith, Paul
Weare, E Albert
Weyler, Kenneth

Asselin, Michael
Cady, Harriet
Coburn, James
Dodge, Robert
Dumaine, Dudley
Francoeur, Sheila
Gould, Kenneth
Hutchinson, Karen
Johnson, Rogers
Lund, Howie
McMahon, Charles
Parker, Benjamin
Rausch, James
Stiles, Nancy
Welch, David
Wiley, Robert

Bettencourt, David
Camm, Kevin
Cooney, Richard
Donahue, Richard Ken
Fesh, Bob
Garrity, James
Griffin, Mary
Ingram, Russell
Katsakiores, George
Major, Norman
Nowe, Ronald
Priestley, Anne
Rolston, James
Stone, Joseph
Weldy, Norman
Winchell, George

Bishop, Franklin
Carson, Sharon
Dalrymple, Janeen
Dowd, John
Flanders, John Sr
Gilbert, Karl
Headd, James
Introne, Robert
Katsakiores, Phyllis
Mason, April
O'Neil, Michael
Putnam, Ed II
Scamman, Stella
Waterhouse, Kevin
Wells, Roger
Zolla, William

STRAFFORD

Bickford, David
Chaplin, Duncan
Twombly, James

Brown, Julie
Easson, Timothy

Campbell, W Packy
Newton, Clifford

Cataldo, Sam
Rollo, Michael

SULLIVAN

Gale, Harry
Rodeschin, Beverly

Irish, Christopher

Osgood, Philip Sr

Prichard, Stephen

NAYS 135**BELKNAP**

Morrison, Gail

CARROLL

Babson, David Jr

Buco, Thomas

CHESHIRE

Allen, Peter
Eaton, Daniel
Plifka, Stanley Jr
Tilton, Anna

Butcher, Suzanne
Espiefs, Peter
Pratt, John
Weed, Charles

Butynski, William
Foote, Sheila
Richardson, Barbara

Dunn, J Timothy
Parkhurst, Henry
Robertson, Timothy

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
Hammond, Lee
Solomon, Peter

Andersen, Gene
Harding, A Laurie

Benn, Bernard
Nordgren, Sharon

Bleyler, Ruth
Sokol, Hilda

HILLSBOROUGH

Balboni, Michael
Brassard, Paul

Baroody, Benjamin
Chase, Claudia

Beaulieu, Jane
Clemons, Jane

Bergin, Peter
Cote, David

Craig, James
Essex, David
Gorman, Mary
Irwin, Anne-Marie
Lasky, Bette
Pilotte, Maurice
Smith, David

Crane, Elenore Casey
Foster, Linda
Haley, Robert
Jean, Claudette
Michon, Stephen
Rosenwald, Cindy
Sullivan, Peter

Daniuk, Caitlin
Garrity, Patrick
Hall, Betty
Kopka, Angeline
Movsesian, Lori
Schulze, Joan

Egbers, Fran
Ginsburg, Ruth
Harvey, Suzanne
Kurk, Neal
Pappas, Christopher
Shaw, Kimberly

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Osborne, Jessie
Rush, Deanna
Tupper, Frank

Brueggemann, Donald
Foose, Robert
Hamm, Christine
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Clarke, Claire
French, Barbara
Kennedy, Richard
Potter, Frances
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Flockhart, Eileen
Pantelakos, Laura
Serlin, Christopher

Blanchard, MaryAnn
Langley, Jane
Powers, James
Splaine, James

Call-Pitts, Jacqueline
Morris, Richard
Quandt, Marshall Lee

Casey, Kimberley
Norelli, Terie
Robertson, Carl

STRAFFORD

Berube, Roger
Cilley, Jacalyn
Goodwin, Earle
Johnson, Nancy
Rous, Emma
Spang, Judith

Brown, Jennifer
Creteau, Irene
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Taylor, Katherine

Brown, Lawrence
Domingo, Baldwin
Heon, Richard
Knowles, William
Smith, Marjorie
Taylor, Kathleen

Callaghan, Frank
Dunlap, Patricia
Hofemann, Roland
Miller, Joseph
Snyder, Clair
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

and the majority committee report was adopted.

HB 333, relative to the rights of citizens. INEXPEDIENT TO LEGISLATE

Rep. Richard F. Heon for State-Federal Relations and Veterans Affairs: The majority of the committee believes that no matter how noble enough in concept this bill relative to the rights of citizens would have far reaching unintended consequences. The analysis of this bill affirms the right of the people of this state to choose their political status in human society. The bill also provides that no government shall exercise any compelled performance upon an American citizen. The majority believes that rather than expanding the rights of law abiding citizens, this is a mischievous bill that would work to the detriment of law-abiding citizens. Vote 7-6.

Rep. Marple spoke against.

Rep. Heon spoke in favor.

Committee report adopted.

(Deputy Speaker Weyler in the Chair)

HB 513, relative to motor vehicle inspection stations. OUGHT TO PASS WITH AMENDMENT

Rep. Brenda L. Ferland for Transportation: These are the changes the committee is recommending based on the contract that the state has entered into. 1.) There shall be either a telephone number or internet site by the Department of Safety reserved exclusively for citizen's complaints. 2.) No inspection station may charge more than \$15 for the EPA OBD II test. 3.) The OBD inspection is required on any model year 1996 and newer, gasoline powered and model year 1997 and newer diesel. 4.) If a vehicle fails OBD test and passes all other inspection requirements, then it shall be issued a temporary waiver that permits its operation for 60 days, in order to make required repairs. Only one waiver shall be issued during its inspection cycle. If the cost of the required repairs is more than \$250 as determined, the vehicle shall be issued an inspection sticker provided that a vehicle may not

be issued more than two consecutive inspection stickers, and no sticker shall be issued after a third consecutive OBD II indication of failure. 5.) If a vehicle fails the OBD test and the owner fails to make the required repairs, the owner may not sell the vehicle without informing the purchaser of failure. If the owner fails to inform the purchaser of the OBD failure, the purchaser shall be entitled to a refund of the purchase price and reasonable attorney fees. 6.) An established OBD II advisory committee consists of three representatives, two senators, Director of the Division of Motor Vehicles of the Department of Safety, Attorney General or designee, one member of the N.H. Automobile Dealer Association, one member of the N.H. Motor Transport Association, one member of D.E.S. The committee shall review and approve any contracts between the state and any private entities relating to OBD II testing and oversee any contracts relating to OBD II. The department shall not enter into any contract for services relating to OBD II testing prior to approval of the committee. Exemptions: Motor vehicle stations that do less than 200 inspections per year. Stations that inspect motorcycles only, private fleet vehicles, and municipalities shall not be required to pay any fee to a private entity for inspection related services pursuant to any contract executed by the state or the Department of Safety prior to the effective date of this act. Vote 9-0.

Amendment (0798h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to on-board diagnostic system inspections.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Department of Safety; Duties of Commissioner; Complaints. Amend RSA 21-P:4 by inserting after paragraph XI the following new paragraph:

XII. Establish an easily accessible mechanism for citizens to file complaints with the department relating to on-board diagnostic system testing required by RSA 266:59-b. The complaint mechanism shall include either a telephone number reserved exclusively for such complaints or an Internet site for such complaints that may be accessed through links prominently displayed on Internet sites operated by the department or the state.

2 Equipment of Vehicles; Inspections; Fees. Amend RSA 266:1, VII to read as follows:

VII. Each inspection station shall conspicuously post on the outside of the building a sign showing the inspection fee charged. *No inspection station may charge more than \$15 for the EPA OBD II test required by RSA 266:59-b.*

3 Emission Control Equipment; OBD II Testing Required. Amend RSA 266:59-b, III-V to read as follows:

III. ~~[For all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered motor vehicles equipped with on-board diagnostic systems meeting the federal EPA OBD II standards;]~~ The commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology, and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which require ~~[every motor vehicle]~~ *all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered motor vehicles equipped with on-board diagnostic systems meeting the federal EPA OBD II standards* driven on the ways of this state which ~~[is]~~ *are* subject to inspection under this chapter, after a date specified by the commissioner, to be tested for OBD II indications of failures as a component of the inspection. *The test for OBD II indications of failure shall be conducted only after the inspection required by RSA 266:1 is completed.* To the extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests required by paragraph I.

IV. *(a)* This section shall not apply to vehicles 20 or more model years old which shall be determined by subtracting the model year of the vehicle from the calendar year in which the inspection occurs.

(b) Vehicles of a model year within 4 years of the date of inspection with an odometer reading of less than 80,000 miles shall be exempt from the OBD II testing requirements under paragraph III.

V. If a vehicle fails the EPA OBD II test and it passes all other inspection requirements under this chapter, then it shall be issued a temporary waiver that permits its operation for 60 days from the date of issuance, in order to make required repairs. A vehicle shall be eligible for only one such waiver during its inspection cycle. *If the cost of the required repairs is more than \$250, as determined by the inspection station or by written estimate from any other inspection station,*

the vehicle shall be issued an inspection sticker, provided that a vehicle may not be issued more than 2 consecutive inspection stickers based on the cost of repairs and no inspection sticker shall be issued to any vehicle registering a third consecutive OBD II indication of failure.

VI. If a vehicle fails the EPA OBD II test and the owner fails to make the required repairs, the owner may not sell the vehicle without informing the purchaser of the OBD II failure. If the owner fails to inform the purchaser of the OBD II failure, the purchaser shall be entitled to a refund of the purchase price and reasonable attorney's fees.

VII.(a) There is established an OBD II testing advisory committee. The committee shall be composed of the following:

- (1) Three representatives, appointed by the speaker of the house of representatives.
- (2) Three senators, appointed by the president of the senate.
- (3) The director of the division of motor vehicles of the department of safety.
- (4) The attorney general, or designee.
- (5) One member appointed by the New Hampshire Automobile Dealers Association.
- (6) One member appointed by the New Hampshire Motor Transport Association.

(b) Members' terms shall be coterminous with their terms in office, except that members appointed pursuant to subparagraphs (a)(5) and (a)(6) shall serve at the discretion of the appointing authority.

(c) The committee shall:

(1) Review and approve any contracts between the state and any private entities relating to OBD II testing.

(2) Oversee any contracts between the state and any private entities relating to OBD II testing.

(d) The department shall not enter into any contract for services related to OBD II testing, or extend or renew any contract for services related to OBD II testing, without the prior approval of the committee.

4 Fees for Inspection-Related Services; Exemptions. Motor vehicle inspection stations that are authorized to inspect only motorcycles or private fleet vehicles and motor vehicle inspection stations operated by municipalities shall not be required to pay any fees to a private entity for inspection-related services pursuant to any contract executed by the state or the department of safety prior to the effective date of this act.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Limits the fees that motor vehicle inspection stations may charge for EPA OBD II tests.

II. Modifies the applicability of the OBD II testing requirements.

III. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than \$250.

IV. Requires notice of an OBD II failure by a motor vehicle seller.

V. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.

VI. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.

MOTION TO LAY ON THE TABLE

Rep. Marple moved that **HB 513**, relative to motor vehicle inspection stations, be laid on the table, and the motion failed.

The question now being adoption of the committee amendment.

Rep. Packard spoke against.

Amendment failed.

Rep. Packard offered floor amendment (0925h).

Floor Amendment (0925h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to on-board diagnostic system inspections.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Department of Safety; Duties of Commissioner; Complaints. Amend RSA 21-P:4 by inserting after paragraph XI the following new paragraph:

XII. Establish an easily accessible mechanism for citizens to file complaints with the department relating to on-board diagnostic system testing required by RSA 266:59-b. The complaint mechanism shall include either a telephone number reserved exclusively for such complaints or an Internet site for such complaints that may be accessed through links prominently displayed on Internet sites operated by the department or the state.

2 Equipment of Vehicles; Inspections; Fees. Amend RSA 266:1, VII to read as follows:

VII. Each inspection station shall conspicuously post on the outside of the building a sign showing the inspection fee charged. *No inspection station may charge more than \$15 for the EPA OBD II test required by RSA 266:59-b.*

3 Emission Control Equipment; OBD II Testing Required. Amend RSA 266:59-b, III-V to read as follows:

III. ~~[For all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered motor vehicles equipped with on-board diagnostic systems meeting the federal EPA OBD II standards.]~~ The commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology, and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which require ~~[every motor vehicle]~~ *all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered motor vehicles equipped with on-board diagnostic systems meeting the federal EPA OBD II standards* driven on the ways of this state which ~~[is]~~ *are* subject to inspection under this chapter, after a date specified by the commissioner, to be tested for OBD II indications of failures as a component of the inspection. To the extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests required by paragraph I.

IV. This section shall not apply to vehicles 20 or more model years old which shall be determined by subtracting the model year of the vehicle from the calendar year in which the inspection occurs.

V. If a vehicle fails the EPA OBD II test and it passes all other inspection requirements under this chapter, then it shall be issued a temporary waiver that permits its operation for 60 days from the date of issuance, in order to make required repairs. A vehicle shall be eligible for only one such waiver during its inspection cycle. *If the cost of the required repairs is more than \$250, as determined by the inspection station or by written estimate from any other inspection station, the vehicle shall not be denied an inspection sticker for the OBD II failure, provided that a vehicle may not be issued more than 2 consecutive inspection stickers based on the cost of repairs and no inspection sticker shall be issued to any vehicle registering a third consecutive OBD II indication of failure.*

VI. *If a vehicle fails the EPA OBD II test and the owner fails to make the required repairs, the owner may not sell the vehicle without informing the purchaser of the OBD II failure. If the owner fails to inform the purchaser of the OBD II failure, the purchaser shall be entitled to a refund of the purchase price and reasonable attorney's fees.*

VII.(a) There is established an OBD II testing advisory committee. The committee shall be composed of the following:

- (1) Three representatives, appointed by the speaker of the house of representatives.
- (2) Three senators, appointed by the president of the senate.
- (3) The director of the division of motor vehicles of the department of safety.
- (4) The attorney general, or designee.
- (5) The commissioner of environmental services, or designee.
- (6) One member appointed by the New Hampshire Automobile Dealers Association.
- (7) One member appointed by the New Hampshire Motor Transport Association.

(b) Members' terms shall be coterminous with their terms in office, except that members appointed pursuant to subparagraphs (a)(5) and (a)(6) shall serve at the discretion of the appointing authority.

(c) The committee shall:

(1) Review and approve any contracts between the state and any private entities relating to OBD II testing.

(2) *Oversee any contracts between the state and any private entities relating to OBD II testing.*

(d) *The department shall not enter into any contract for services related to OBD II testing, or extend or renew any contract for services related to OBD II testing, without the prior approval of the committee.*

4 Fees for Inspection-Related Services; Exemptions. Motor vehicle inspection stations that are authorized to inspect only motorcycles or private fleet vehicles, motor vehicle inspections stations that inspect fewer than 200 vehicles per year, and motor vehicle inspection stations operated by municipalities shall not be required to pay any fees to a private entity for inspection-related services pursuant to any contract executed by the state or the department of safety prior to the effective date of this act.

5 Electronic Transfer of Inspection Information; Exemption. The department of safety shall not require an inspection station to transfer inspection information electronically for any vehicle of model year 1995 or older.

6 OBD II Testing; Applicability. Notwithstanding RSA 266:59-b, any EPA OBD II testing required by department of safety rules prior to May 1, 2006 shall be advisory only. No inspection station shall deny an inspection sticker to any vehicle because of OBD II failure prior to May 1, 2006.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

- I. Limits the fees that motor vehicle inspection stations may charge for EPA OBD II tests.
- II. Modifies the applicability of the OBD II testing requirements.
- III. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than \$250.
- IV. Requires notice of an OBD II failure by a motor vehicle seller.
- V. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.
- VI. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.

Rep. Packard spoke in favor and yielded to questions.

Rep. Lars Christiansen spoke against.

Floor amendment (0925h) adopted.

(Rep. Sheila Francoeur in the Chair)

Rep. Hinkle offered floor amendment (0947h).

Floor Amendment (0947h)

Amend the bill by deleting section 2 and renumbering the original sections 3-5 to read as 2-4, respectively.

AMENDED ANALYSIS

This bill:

- I. Modifies the applicability of the OBD II testing requirements.
- II. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than \$250.
- III. Requires notice of an OBD II failure by a motor vehicle seller.
- IV. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.
- V. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.

Rep. Hinkle spoke in favor.

Floor amendment (0947h) failed.

Rep. Kennedy offered floor amendment (0981h)

Floor Amendment (0981h)

Amend the title of the bill by replacing it with the following:

AN ACT eliminating EPA OBD II testing requirements.

Amend the bill by replacing all after the enacting clause with the following:

- 1 Repeal. RSA 266:59-b, III and V, relative to EPA OBD II testing requirements, is repealed.
- 2 EPA OBD II Testing; Financial Obligations. All motor vehicle inspection stations are hereby released from any contractual or other financial obligations associated with the department of safety's EPA OBD II testing program. The state hereby assumes liability for any such obligations

resulting from a motor vehicle inspection station entering into a contract with a private entity as a result of requirements established by the department of safety. The state and all motor vehicle inspection stations are hereby prohibited from charging or passing any costs related to the EPA OBD II testing program to consumers.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals the law authorizing EPA OBD II testing requirements. This bill also releases inspection stations from financial obligations associated with the OBD II program and prohibits charging consumers for costs associated with the program.

Rep. Kennedy spoke in favor and requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (0981h).

YEAS 101 NAYS 224

YEAS 101

BELKNAP

Allen, Janet	Clark, Charles	Heald, Bruce	Pilliod, James
Rosen, Ralph	Tilton, Franklin	Veazey, John	

CARROLL

Dickinson, Howard	Knox, J David	Martin, James
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CHESHIRE

Foote, Sheila	Pelkey, Stephen	Sawyer, Sheldon
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COOS

King, Frederick	Lary, Bruce	Richardson, Herbert
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GRAFTON

Barker, Robert	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Ingbreton, Paul	Mirski, Paul	Solomon, Peter
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Bergeron, Jean-Guy
Boehm, Ralph	Buhlman, David	Calawa, Leon Jr	Carew, James
Christiansen, Lars	Crane, Elenore Casey	Francoeur, Bea	Gibson, John
Goyette, Peter Jr	Graham, John	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	Renzullo, Andrew	Rowe, Robert
Shaw, Barbara	Souza, Kathleen	Ulery, Jordan	Vaillancourt, Steve
Wheeler, James			

MERRIMACK

Currier, David	Field, William	Kennedy, Richard	Langlais, Thomas
Marple, Richard	Soltani, Tony	Whiting, Herbert	

ROCKINGHAM

Asselin, Michael	Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Camm, Kevin
Garritty, James	Gilbert, Karl	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Introne, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Lund, Howie	McKinney, Betsy	Morris, Richard
Nowe, Ronald	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Smith, Paul	Weldy, Norman	Wells, Roger	Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Brown, Lawrence	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Easson, Timothy
Goodwin, Earle	Hofemann, Roland	Keans, Sandra	

SULLIVAN

Irish, Christopher	Osgood, Philip Sr	Phinizy, James	Rodeschin, Beverly
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NAYS 224**BELKNAP**

Boyce, Laurie	Fitzgerald, James	Morrison, Gail	Nedeau, Stephen
Russell, David	Thomas, John	Tobin, William	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espiefs, Peter	Hogancamp, Deborah
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Morneau, Renney
Remick, William	Stohl, Eric	Theberge, Robert	Tholl, John Jr

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Nordgren, Sharon	Sokol, Hilda		

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Biundo, Michael	Brassard, Paul	Campbell, David	Carlson, Donald
Chabot, Robert	Chase, Claudia	Christensen, D L Chris	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Manney, Pamela	Messier, Irene	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Ober, Lynne	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Rosenwald, Cindy	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shaw, Kimberly	Slocum, Lee
Smith, David	Stepanek, Stephen	Sullivan, Peter	Villeneuve, Maurice
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Klose, John	Lockwood, Priscilla	Mackay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Bettencourt, David	Buxton, Donald
Cady, Harriet	Carson, Sharon	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	DiFruscia, Anthony	Dodge, Robert
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Ingram, Russell
Johnson, Robert	Langley, Jane	Major, Norman	Mason, April
McMahon, Charles	Norelli, Terie	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Powers, James	Priestley, Anne	Rausch, James
Robertson, Carl	Rolston, James	Scamman, Stella	Scamman, W Douglas
Serlin, Christopher	Splaine, James	Stiles, Nancy	Stone, Joseph
Weare, E Albert	Welch, David	Weyler, Kenneth	Wiley, Robert
Winchell, George			

STRAFFORD

Brown, Jennifer	Brown, Julie	Callaghan, Frank	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne	Johnson, Nancy
Knowles, William	Newton, Clifford	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Twombly, James	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr

Prichard, Stephen

and floor amendment (0981h) failed.

The question now being adoption of the committee report.

Rep. Osgood spoke against and yielded to questions.

Rep. Packard spoke in favor.

Rep. Marple requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 222 NAYS 102**YEAS 222****BELKNAP**

Boyce, Laurie	Clark, Charles	Fitzgerald, James	Heald, Bruce
Morrison, Gail	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Knox, J David	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Allen, Peter	Butynski, William	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Tilton, Anna			

COOS

Mears, Edgar	Remick, William	Stohl, Eric	Troll, John Jr
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GRAFTON

Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mirski, Paul	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Baroody, Benjamin
 Bergin, Peter
 Buhlman, David
 Craig, James
 Drisko, Richard
 Foster, Linda
 Golding, William
 Graham, John
 Hawkins, Ken
 Jasper, Shawn
 L'Heureux, Robert
 Mead, Robert
 O'Brien, William
 Pilotte, Maurice
 Rowe, Robert
 Shaw, Kimberly
 Sullivan, Peter

Batula, Peter
 Biundo, Michael
 Clemons, Jane
 Daniuk, Caitlin
 Egbers, Fran
 Gargas, Carolyn
 Goley, Jeffrey
 Haley, Robert
 Hebert, Raymond
 Jean, Claudette
 Lasky, Bette
 Messier, Irene
 O'Connell, Timothy
 Price, Pamela
 Ryder, Donald
 Slocum, Lee
 Ulery, Jordan

Beaulieu, Jane
 Boehm, Ralph
 Cote, David
 DeVries, Betsi
 Emerton, Larry
 Gibson, John
 Gorman, Mary
 Hall, Betty
 Hirschmann, Keith
 Kopka, Angeline
 Manney, Pamela
 Michon, Stephen
 Ober, Lynne
 Reeves, Sandra
 Scanlon, Michael
 Smith, David
 Wheeler, James

Bergeron, Jean-Guy
 Brassard, Paul
 Coughlin, Pamela
 Dokmo, Cynthia
 Essex, David
 Ginsburg, Ruth
 Goyette, Peter Jr
 Harvey, Suzanne
 Irwin, Anne-Marie
 Kurk, Neal
 Matarazzo, Anthony Sr
 Movsesian, Lori
 Pappas, Christopher
 Rosenwald, Cindy
 Schulze, Joan
 Stepanek, Stephen
 Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth
 DeJoie, John
 Gile, Mary
 Lockwood, Priscilla
 Potter, Frances
 Tilton, Joy
 Yeaton, Charles

Bouchard, Candace
 DeStefano, Stephen
 Hager, Elizabeth
 MacKay, James
 Reardon, Tara
 Tupper, Frank

Brueggemann, Donald
 Foose, Robert
 Hamm, Christine
 Osborne, Jessie
 Reed, Dennis
 Wallner, Mary Jane

Danforth, James
 French, Barbara
 Langlais, Thomas
 Owen, Derek
 Ryan, Jim
 Williams, Robert

ROCKINGHAM

Abbott, Dennis
 Buxton, Donald
 Casey, Kimberley
 DiFruscia, Anthony
 Flanders, John Sr
 Gillick, Thomas
 Katsakiores, George
 McMahon, Charles
 Packard, Sherman
 Quandt, Marshall Lee
 Rolston, James
 Smith, Paul
 Weyler, Kenneth

Allen, Mary
 Cali-Pitts, Jacqueline
 Charron, Gene
 Dodge, Robert
 Flockhart, Eileen
 Gould, Kenneth
 Kobel, Rudolph
 Morris, Richard
 Pantelakos, Laura
 Quandt, Matthew
 Scamman, Stella
 Splaine, James
 Wiley, Robert

Bettencourt, David
 Camm, Kevin
 Coburn, James
 Dowd, John
 Forsing, Robert
 Griffin, Mary
 Langley, Jane
 Norelli, Terie
 Powers, James
 Rausch, James
 Scamman, W Douglas
 Stiles, Nancy
 Winchell, George

Blanchard, MaryAnn
 Carson, Sharon
 Cooney, Richard
 Fesh, Bob
 Garrity, James
 Johnson, Robert
 Major, Norman
 O'Neil, Michael
 Priestley, Anne
 Robertson, Carl
 Serlin, Christopher
 Welch, David

STRAFFORD

Bickford, David
 Domingo, Baldwin
 Knowles, William
 Schmidt, Peter
 Wall, Janet

Brown, Jennifer
 Dunlap, Patricia
 Newton, Clifford
 Snyder, Clair

Brown, Julie
 Easson, Timothy
 Rollo, Michael
 Spang, Judith

Creteau, Irene
 Grassie, Anne
 Rous, Emma
 Twombly, James

SULLIVAN

Cloutier, John
 Jillette, Arthur Jr

Ferland, Brenda
 Phinizy, James

Gale, Harry
 Prichard, Stephen

Houde-Quimby, Charlotte

NAYS 102**BELKNAP**

Allen, Janet

Pilliod, James

Tilton, Franklin

Tobin, William

CARROLL

Dickinson, Howard	Martin, James
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CHESHIRE

Butcher, Suzanne	Emerson, Susan	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon			

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Merrick, Scott
Morneau, Renney	Richardson, Herbert		

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Calawa, Leon Jr
Campbell, David	Carew, James	Carlson, Donald	Chabot, Robert
Chase, Claudia	Christensen, D L Chris	Christiansen, Lars	Crane, Elenore Casey
Desmarais, Vivian	Dyer, Donald	Francoeur, Bea	Hansen, Ryan
Hellwig, Steve	Hinkle, Peyton	Infantine, William	McRae, Karen
Mooney, Maureen	Renzullo, Andrew	Shaw, Barbara	Souza, Kathleen
Vaillancourt, Steve	Villeneuve, Maurice		

MERRIMACK

Anderson, Eric	Currier, David	Field, William	Greco, Vincent
Klose, John	Marple, Richard	McMahon, Patricia	Rush, Deanna
Shurtleff, Stephen	Soltani, Tony	Whiting, Herbert	

ROCKINGHAM

Asselin, Michael	Cady, Harriet	Dowling, Patricia	Dumaine, Dudley
Gilbert, Karl	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Katsakiores, Phyllis
Lund, Howie	Mason, April	McKinney, Betsy	Nowe, Ronald
Putnam, Ed II	Stone, Joseph	Weare, E Albert	Weldy, Norman
Wells, Roger	Zolla, William		

STRAFFORD

Berube, Roger	Brown, Lawrence	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Goodwin, Earle
Hofemann, Roland	Johnson, Nancy	Keans, Sandra	Smith, Marjorie
Taylor, Kathleen			

SULLIVAN

Converse, Larry	Donovan, Thomas	Franklin, Peter	Irish, Christopher
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Osgood, Philip Sr
and the committee report was adopted.
Ordered to third reading.

Rep. Hansen voted Nay and intended to vote Aye.

(Speaker Scamman in the Chair)**SPECIAL ORDER**

HB 679-FN-L, authorizing the electronic enforcement of traffic signal violations. **OUGHT TO PASS**
Rep. Brenda L. Ferland for Transportation: This bill will allow for the authorization of electronic enforcement of traffic signal violators. A city or town having a population of more than 20,000 can request video enforcement at its traffic signal intersections. There will be posted warnings not more than 300 feet from the location of electronic monitors. The camera will take a picture of the number plate of the offending vehicle. The person to whom the vehicle is registered will be issued a citation. The citation shall be accompanied by a notice with date, time, and location of incident along with name, address and numbers to request a copy of the photographic evidence. If an owner can prove he or she is not responsible for the violation the citation shall be withdrawn. The fine

shall not be deemed a conviction on a driving record and shall not be used to assign demerit points. Fifty percent of fines collected shall be remitted to the city or town with these systems. While some intersections could stand improving, we have all witnessed numerous occasions of drivers speeding up on "amber lights" only to be running a red light. Red light runners put everyone at risk. They carry their fair share of statistics on near misses and accidents. Therefore, the committee supports the use of cameras to assist law enforcement to make all roads safer. Vote 14-0.

Reps. Buhlman and Kurk spoke against.

Reps. Danforth and Bouchard spoke in favor and yielded to questions.

Rep. Graham spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 99 NAYS 217

YEAS 99 BELKNAP

Nedeau, Stephen	Thomas, John	Tilton, Franklin
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CARROLL

Knox, J David	Martin, James	McConkey, Mark
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Foote, Sheila
Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna		

COOS

Lary, Bruce	Mears, Edgar	Remick, William	Tholl, John Jr
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GRAFTON

Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Solomon, Peter
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HILLSBOROUGH

Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Egbers, Fran	Essex, David	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Graham, John	Hall, Betty
Harvey, Suzanne	Hawkins, Ken	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	L'Heureux, Robert	Matarazzo, Anthony Sr	Michon, Stephen
Movsesian, Lori	Pilotte, Maurice	Price, Pamela	Rosenwald, Cindy
Scanlon, Michael	Shaw, Barbara	Smith, David	Ulery, Jordan

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Danforth, James
DeJoie, John	DeStefano, Stephen	Foose, Robert	Gile, Mary
Hager, Elizabeth	MacKay, James	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Williams, Robert	

ROCKINGHAM

Allen, Mary	Cooney, Richard	DiFruscia, Anthony	Flanders, John Sr
Gillick, Thomas	Langley, Jane	Norelli, Terie	Packard, Sherman
Powers, James	Wells, Roger	Weyler, Kenneth	Winchell, George

STRAFFORD

Berube, Roger	Brown, Jennifer	Callaghan, Frank	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Grassie, Anne	Knowles, William
Rous, Emma	Schmidt, Peter	Snyder, Clair	

SULLIVAN

Cloutier, John	Donovan, Thomas	Ferland, Brenda	Irish, Christopher
Osgood, Philip Sr			

NAYS 217**BELKNAP**

Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Morrison, Gail	Pilliod, James	Rosen, Ralph	Russell, David
Tobin, William	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Dickinson, Howard	Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espieffs, Peter
Hogancamp, Deborah	Pelkey, Stephen	Pratt, John	Sawyer, Sheldon

COOS

Buzzell, Bernard	King, Frederick	Merrick, Scott	Morneau, Renney
Richardson, Herbert	Stohl, Eric	Theberge, Robert	

GRAFTON

Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Hammond, Lee
Harding, A Laurie	Ingretson, Paul	McLeod, Martha	Mirski, Paul
Nordgren, Sharon	Sokol, Hilda	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Brassard, Paul	Buhlman, David	Calawa, Leon Jr
Campbell, David	Carew, James	Carlson, Donald	Chabot, Robert
Chase, Claudia	Christensen, D L Chris	Christiansen, Lars	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
Daniuk, Caitlin	Emerton, Larry	Francoeur, Bea	Gibson, John
Golding, William	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Hansen, Ryan	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Infantine, William	Jasper, Shawn	Kurk, Neal
Lasky, Bette	Manney, Pamela	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shaw, Kimberly
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Sullivan, Peter
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Currier, David	Field, William	French, Barbara
Greco, Vincent	Hamm, Christine	Klose, John	Langlais, Thomas
Lockwood, Priscilla	Marple, Richard	Reed, Dennis	Soltani, Tony
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Whiting, Herbert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Bettencourt, David	Bishop, Franklin	Blanchard, MaryAnn
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin

Carson, Sharon
Dodge, Robert
Fesh, Bob
Garrity, James
Headd, James
Ingram, Russell
Katsakiores, Phyllis
Mason, April
Nowe, Ronald
Putnam, Ed II
Robertson, Carl
Smith, Paul
Weare, E Albert

Casey, Kimberley
Dowd, John
Flockhart, Eileen
Gilbert, Karl
Hopfgarten, Paul
Introne, Robert
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Quandt, Marshall Lee
Rolston, James
Splaine, James
Welch, David

Charron, Gene
Dowling, Patricia
Forsing, Robert
Gould, Kenneth
Hughes, Daniel
Johnson, Robert
Lund, Howie
McMahon, Charles
Pantelakos, Laura
Quandt, Matthew
Scamman, Stella
Stiles, Nancy
Weldy, Norman

Coburn, James
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Hutchinson, Karen
Katsakiores, George
Major, Norman
Morris, Richard
Priestley, Anne
Rausch, James
Serlin, Christopher
Stone, Joseph
Zolla, William

STRAFFORD

Bickford, David
Cataldo, Sam
Hofemann, Roland
Rollo, Michael
Twombly, James

Brown, Julie
Chaplin, Duncan
Johnson, Nancy
Smith, Marjorie
Wall, Janet

Brown, Lawrence
Dunlap, Patricia
Keans, Sandra
Spang, Judith

Campbell, W Packy
Easson, Timothy
Newton, Clifford
Taylor, Kathleen

SULLIVAN

Converse, Larry
Phinizy, James
and the committee report failed.

Franklin, Peter
Rodeschin, Beverly

Gale, Harry

Jillette, Arthur Jr

INDEFINITELY POSTPONE

Rep. Vaillancourt moved that **HB 679-FN-L**, authorizing the electronic enforcement of traffic signal violations, be indefinitely postponed.
Adopted.

REGULAR CALENDAR (CONT'D.)

HB 705, relative to passenger restraints. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required all persons, drivers and passengers 18 years of age and older, to wear passenger restraints which are fastened and properly adjusted at all times. The prime sponsor considered the offense as secondary. Just about everyone that spoke about this issue was throwing statistics around, whether they were for or against the bill. What the committee did hear was that most adults wear their seat belts. Thus they felt that it should still be their decision. They were also concerned about how long before this became a primary offense. One visual survey done has New Hampshire at 63.4 percent. That is almost as good as our neighboring states that have passenger restraint laws. Vote 12-2.

Reps. Emerson and Pilliod spoke against.

Rep. Packard spoke in favor.

Rep. Emerson requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 180 NAYS 124

YEAS 180

BELKNAP

Allen, Janet
Tobin, William

Fitzgerald, James
Wendelboe, Fran

Heald, Bruce
Whalley, Michael

Nedeau, Stephen

CARROLL

Babson, David Jr
Knox, J David
Stevens, Stanley

Buco, Thomas
McConkey, Mark

Chandler, Gene
Morrow, Harry

Dickinson, Howard
Patten, Betsey

CHESHIRE

Eaton, Daniel	Pelkey, Stephen	Plifka, Stanley Jr	Sawyer, Sheldon
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COOS

Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Morneau, Renney
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Barker, Robert	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbreton, Paul	Mirski, Paul	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Buhlman, David
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Clemons, Jane	Cote, David	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Dokmo, Cynthia	Dyer, Donald
Emerton, Larry	Essex, David	Foster, Linda	Francoeur, Bea
Gibson, John	Gorman, Mary	Goyette, Peter Jr	Hansen, Ryan
Hawkins, Ken	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Infantine, William	Jasper, Shawn	Kurk, Neal
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
Movsesian, Lori	O'Brien, William	Ober, Lynne	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Scanlon, Michael
Shaw, Barbara	Shaw, Kimberly	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Sullivan, Peter	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	DeStefano, Stephen
Field, William	Greco, Vincent	Klose, John	Langlais, Thomas
Lockwood, Priscilla	Marple, Richard	Reed, Dennis	Soltani, Tony
Tupper, Frank	Whiting, Herbert		

ROCKINGHAM

Allen, Mary	Bettencourt, David	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Casey, Kimberley	Charron, Gene	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Dodge, Robert	Dowd, John
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Garrity, James	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	Morris, Richard	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Rolston, James
Smith, Paul	Splaine, James	Stiles, Nancy	Stone, Joseph
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Winchell, George		

STRAFFORD

Bickford, David	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Cilley, Jacalyn	Creteau, Irene	Easson, Timothy	Hofemann, Roland
Newton, Clifford	Rollo, Michael	Twombly, James	

SULLIVAN

Converse, Larry	Donovan, Thomas	Gale, Harry	Irish, Christopher
Osgood, Philip Jr	Phinizy, James	Rodeschin, Beverly	

NAYS 124**BELKNAP**

Boyce, Laurie	Morrison, Gail	Pillioid, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Martin, James	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Emerson, Susan	Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah
Parkhurst, Henry	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna		

COOS

Merrick, Scott	Remick, William	Theberge, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Nordgren, Sharon
Sokol, Hilda			

HILLSBOROUGH

Beaulieu, Jane	Bergin, Peter	Brassard, Paul	Campbell, David
Carew, James	Chase, Claudia	Desmarais, Vivian	DeVries, Betsi
Drisko, Richard	Egbers, Fran	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Kopka, Angeline	L'Heureux, Robert	Lasky, Bette	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	O'Connell, Timothy	Pappas, Christopher
Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald	Schulze, Joan
Smith, David			

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	MacKay, James	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Buxton, Donald	Cali-Pitts, Jacqueline
Carson, Sharon	Flockhart, Eileen	Forsing, Robert	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Norelli, Terie	Powers, James
Robertson, Carl	Scamman, Stella	Serlin, Christopher	Zolla, William

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Chaplin, Duncan	Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne
Johnson, Nancy	Keans, Sandra	Knowles, William	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Franklin, Peter	Jillette, Arthur Jr
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and the committee report was adopted.

HB 51, establishing a committee to study the feasibility of imposing a luxury sales tax and an amusements tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for the Majority of Ways and Means: This bill does not impose any type of luxury tax or any other type of tax. It simply establishes a committee to study the feasibility of some

type of luxury, entertainment, or amusement tax in the future. The need for new revenue sources is something we are likely to face every session. Who can deny that reality? With an income and sales tax off the table and with business taxes "maxed" out, the number of options for raising significant revenues is extremely limited. Conceivably, a future legislature might need to consider some type of luxury tax. If so, that body should not go forward in the dark. This study committee will develop valuable information. For example, during the hearing on this bill, an opponent acknowledged that the state of Vermont applies its six percent sales tax to ski tickets. Some veteran House members may recall that during the crisis facing the state in 1999, the Finance Committee actually considered some type of luxury or entertainment tax. During an emergency Friday afternoon session, Representatives Hall was the scene of a lengthy hearing. Opposition was strong, and the committee was operating in a vacuum. Had we then had the benefit of information a study committee of this type would have generated, we would have been better off. Rest assured, a luxury tax does not have to mean a boat tax, an idea which proved such a folly at the federal level a decade ago. It could mean anything from an assessment on a \$100 Bette Midler ticket at the Verizon Center to one on one movie rentals, ski tickets, bowling frames, or any number of imaginative (and conceivably controversial) alternatives. To say no to such a study committee is to close our eyes to future needs and to ultimately bring us closer to having to accept a sales or income tax. Knowledge is power. Passage of this bill will increase both our knowledge and our power. Vote 10-8.

Rep. Peyton B. Hinkle for the Minority of Ways and Means: This bill directed the committee to study what items should be taxed as luxury items and what amusements should be taxed and the feasibility of imposing such taxes. This was viewed by the minority as the beginning of the descent down the slippery slope toward a general sales tax. A committee under former Governor Shaheen already studied the issue of a sales tax and concluded it would result in the loss of retail sales and jobs. A large percent of the retail sales occur in the southern end of the state and many sales are for high ticket luxury items. The retail trade would be seriously jeopardized by a luxury tax. Retailers considering location in the state would think twice if they were unsure how many items would be taxed as luxuries and the impact of the tax on sales volume. Since various forms of amusements, including skiing, provide an attraction for tourists, taxing them could cause a loss of business among owners who rely on a short season to make their profit. Other venues, such as those at the Verizon Center, would carry an extra tax burden. New Hampshire's image as a low tax state friendly to tourism could be tarnished by adding another tax on top of the room and meals tax.

Reps. Hinkle and Mirski spoke against.

Reps. Vaillancourt and Pratt spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 120 NAYS 172

YEAS 120

BELKNAP

Morrison, Gail

CARROLL

Ahlgren, Christopher

Martin, James

CHESHIRE

Allen, Peter

Butcher, Suzanne

Butynski, William

Dunn, J Timothy

Eaton, Daniel

Espiefs, Peter

Plifka, Stanley Jr

Pratt, John

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Tilton, Anna

COOS

Buzzell, Bernard
Theberge, Robert

Merrick, Scott

Remick, William

Stohl, Eric

GRAFTON

Almy, Susan

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Ham, Bonnie

Hammond, Lee

Harding, A Laurie

McLeod, Martha

Nordgren, Sharon

Sokol, Hilda

HILLSBOROUGH

Beaulieu, Jane
Chase, Claudia
Desmarais, Vivian
Egbers, Fran
Ginsburg, Ruth
Irwin, Anne-Marie
Michon, Stephen
Schulze, Joan

Bergin, Peter
Clemons, Jane
DeVries, Betsi
Essex, David
Golding, William
Lasky, Bette
Pappas, Christopher
Shaw, Kimberly

Brassard, Paul
Craig, James
Dokmo, Cynthia
Foster, Linda
Hall, Betty
Matarazzo, Anthony Sr
Pilotte, Maurice
Vaillancourt, Steve

Campbell, David
Daniuk, Caitlin
Drisko, Richard
Gargas, Carolyn
Harvey, Suzanne
Messier, Irene
Scanlon, Michael

MERRIMACK

Blanchard, Elizabeth
Foose, Robert
Hamm, Christine
Owen, Derek
Shurtleff, Stephen
Williams, Robert

Bouchard, Candace
French, Barbara
Lockwood, Priscilla
Potter, Frances
Tilton, Joy
Yeaton, Charles

DeJoie, John
Gile, Mary
McMahon, Patricia
Rush, Deanna
Tupper, Frank

DeStefano, Stephen
Greco, Vincent
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn
Flockhart, Eileen
Langley, Jane
Powers, James
Wells, Roger

Buxton, Donald
Gillick, Thomas
Major, Norman
Robertson, Carl

Cali-Pitts, Jacqueline
Gould, Kenneth
Norelli, Terie
Serlin, Christopher

Casey, Kimberley
Johnson, Robert
Pantelakos, Laura
Splaine, James

STRAFFORD

Bickford, David
Cilley, Jacalyn
Grassie, Anne
Spang, Judith

Brown, Jennifer
Creteau, Irene
Keans, Sandra
Taylor, Kathleen

Brown, Julie
Domingo, Baldwin
Rous, Emma
Wall, Janet

Brown, Lawrence
Dunlap, Patricia
Smith, Marjorie

SULLIVAN

Cloutier, John
Jillette, Arthur Jr

Converse, Larry

Franklin, Peter

Gale, Harry

NAYS 172**BELKNAP**

Allen, Janet
Nedeau, Stephen
Thomas, John
Whalley, Michael

Boyce, Laurie
Pilliod, James
Tilton, Franklin

Fitzgerald, James
Rosen, Ralph
Tobin, William

Hald, Bruce
Russell, David
Wendelboe, Fran

CARROLL

Babson, David Jr
Dickinson, Howard
Olimpio, J Lisbeth

Brown, Carolyn
Knox, J David
Patten, Betsey

Buco, Thomas
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Morrow, Harry

CHESHIRE

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

Parkhurst, Henry

COOS

King, Frederick
Tholl, John Jr

Lary, Bruce

Moreau, Renney

Richardson, Herbert

GRAFTON

Barker, Robert
Mirski, Paul

Gionet, Edmond
Solomon, Peter

Giuda, Robert
Sorg, Gregory

Ingbretson, Paul
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Buhlman, David
Calawa, Leon Jr	Carew, James	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Cote, David	Coughlin, Pamela	Crane, Elenore Casey
Dyer, Donald	Emerton, Larry	Francoeur, Bea	Gibson, John
Gorman, Mary	Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Jasper, Shawn	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Slocum, Lee
Smith, David	Souza, Kathleen	Stepanek, Stephen	Sullivan, Peter
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	Field, William
Klose, John	Langlais, Thomas	MacKay, James	Marple, Richard
Reed, Dennis	Soltani, Tony	Whiting, Herbert	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Bettencourt, David	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Dodge, Robert	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Introne, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Lund, Howie	Mason, April	McKinney, Betsy	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Rolston, James	Scamman, Stella
Smith, Paul	Stiles, Nancy	Stone, Joseph	Weare, E Albert
Welch, David	Weldy, Norman	Weyler, Kenneth	Winchell, George
Zolla, William			

STRAFFORD

Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Hofemann, Roland	Newton, Clifford	Rollo, Michael	Twombly, James

SULLIVAN

Donovan, Thomas	Irish, Christopher	Osgood, Philip Sr	Phinizy, James
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Rodeschin, Beverly

and the majority committee report failed.

Rep. Hinkle moved Inexpedient to Legislate.

Motion adopted.

HB 94-FN-A, requiring a discount to wholesalers on cash purchases of tobacco tax stamps.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Howie Lund for the Majority of Ways and Means: The committee considered the bill with an amendment which would provide a one cent (.01) discount to distributors on tobacco stamps effective July 1, 2006. This was voted down because the business involved had already adjusted its pricing models to accommodate the one cent loss. This bill if passed will decrease state unrestricted general fund revenue by \$1,354,050 in FY 2006 and each year thereafter, and decrease restricted education trust fund revenue by \$553,062 FY 2006 and each year thereafter. Vote 10-6.

Rep. Kevin L. Camm for the Minority of Ways and Means: This bill would restore the one cent per pack discount that wholesalers received for affixing tax stamps to cigarettes. That discount was re-

moved in a committee of conference a few years ago. The minority felt that was an improper and unfair forum for such a policy change. Should the legislature desire to change the way it compensates those who provide a service for the state, it should do so by the same process as with any other bill. The amendment changes the effective date to July 1, 2006 so FY 2006 is not affected.

Rep. Camm spoke against.

Rep. Lund spoke in favor.

Majority committee report adopted.

(Deputy Speaker Weyler in the Chair)

SPECIAL ORDER

HB 613-FN, exempting prepared take-out food items sold in supermarkets from the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Allen for Ways and Means: This bill would exempt from rooms and meals tax prepared food items sold by supermarkets. The concept came from an old court case, superseded by a 1985 Supreme Court decision, that the exemption of prepared take out food items sold in supermarkets was unconstitutional. Vote 15-0.

Rep. Field spoke against.

Rep. Peter Allen spoke in favor.

Committee report adopted.

REGULAR CALENDAR (CONT'D.)

HB 671-FN-A-L, relative to an exemption from the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**

Rep. Howie Lund for Ways and Means: This bill would exempt certain real estate transactions from the real estate transfer tax. The tax loophole proposed by this bill was closed by legislation a few years ago. At that time it was causing a loss of \$4 million to \$7 million in real estate tax revenues. With this loophole a lot of commercial properties would avoid the real estate tax. Twenty percent of the states real estate valuation is commercial property. Home ownership transferred from personal account to a family trust is not subject to the real estate transfer tax. Also, the majority of the committee felt this bill lacked clarity and would create interpretation problems for the DRA. The DRA estimated that the bills passage would again reduce revenues between \$4 and \$7 million per year. Further, the DRA stated there would be added staff and administrative costs associated with the bills passage. Vote 12-6.

Rep. Currier spoke against.

Rep. Jasper spoke in favor and yielded to questions.

On a division vote, 202 members having voted in the affirmative and 84 in the negative, the committee report was adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Soltani moved that the House reconsider its action whereby it voted **HB 665-FN-L**, relative to the applicable minimum wage for hourly employees, Ought to Pass with Amendment.

Rep. Weyler spoke in favor.

Rep. Keans spoke against.

Rep. Herbert Richardson requested a roll call; sufficiently seconded.

The question being adoption of the motion to reconsider.

YEAS 115 NAYS 172

YEAS 115

BELKNAP

Allen, Janet
Russell, David
Whalley, Michael

Boyce, Laurie
Thomas, John

Fitzgerald, James
Tilton, Franklin

Nedeau, Stephen
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Martin, James

Babson, David Jr
McConkey, Mark

Brown, Carolyn
Patten, Betsey

Chandler, Gene
Stevens, Stanley

CHESHIRE

Hogancamp, Deborah Sawyer, Sheldon

COOS

King, Frederick Stohl, Eric Tholl, John Jr

GRAFTON

Giuda, Robert Ingbretson, Paul Mirski, Paul Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Buhlman, David	Carlson, Donald	Christensen, D L Chris
Coughlin, Pamela	Emerton, Larry	Francoeur, Bea	Gargas, Carolyn
Gibson, John	Golding, William	Goyette, Peter Jr	Hansen, Ryan
Hawkins, Ken	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Manney, Pamela	McRae, Karen	Mead, Robert
O'Brien, William	Ober, Lynne	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Ryder, Donald	Slocum, Lee	Stepanek, Stephen
Ulery, Jordan	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Currier, David	Field, William	Klose, John
Langlais, Thomas	Soltani, Tony		

ROCKINGHAM

Bettencourt, David	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Dodge, Robert	Dowd, John
Dumaine, Dudley	Fesh, Bob	Francoeur, Sheila	Garrity, James
Griffin, Mary	Hopfgarten, Paul	Ingram, Russell	Introne, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
Major, Norman	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Rausch, James	Rolston, James	Scamman, Stella
Smith, Paul	Stiles, Nancy	Welch, David	Weyler, Kenneth
Zolla, William			

STRAFFORD

Bickford, David	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford	Twombly, James	

SULLIVAN

Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
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NAYS 172**BELKNAP**

Heald, Bruce	Morrison, Gail	Pilliod, James	Rosen, Ralph
Tobin, William			

CARROLL

Buco, Thomas	Dickinson, Howard	Knox, J David	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Dunn, J Timothy	Eaton, Daniel
Emerson, Susan	Espiefs, Peter	Foote, Sheila	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna			

COOS

Buzzell, Bernard	Merrick, Scott	Morneau, Renney	Remick, William
Richardson, Herbert	Theberge, Robert		

GRAFTON

Almy, Susan
Gionet, Edmond
McLeod, Martha
Williams, Burton

Benn, Bernard
Ham, Bonnie
Nordgren, Sharon

Bleyler, Ruth
Hammond, Lee
Sokol, Hilda

Cooney, Mary
Harding, A Laurie
Solomon, Peter

HILLSBOROUGH

Balboni, Michael
Brassard, Paul
Chabot, Robert
Crane, Elenore Casey
Drisko, Richard
Foster, Linda
Hall, Betty
Lasky, Bette
Movsesian, Lori
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

Baroody, Benjamin
Calawa, Leon Jr
Chase, Claudia
Daniuk, Caitlin
Dyer, Donald
Ginsburg, Ruth
Harvey, Suzanne
Matarazzo, Anthony Sr
O'Connell, Timothy
Rowe, Robert
Shaw, Kimberly
Vaillancourt, Steve

Beaulieu, Jane
Campbell, David
Clemons, Jane
DeVries, Betsi
Egbers, Fran
Goley, Jeffrey
Irwin, Anne-Marie
Messier, Irene
Pappas, Christopher
Scanlon, Michael
Smith, David
Villeneuve, Maurice

Bergin, Peter
Carew, James
Craig, James
Dokmo, Cynthia
Essex, David
Gorman, Mary
Kopka, Angeline
Mooney, Maureen
Pilotte, Maurice
Schulze, Joan
Souza, Kathleen

MERRIMACK

Blanchard, Elizabeth
DeStefano, Stephen
Greco, Vincent
Marple, Richard
Potter, Frances
Ryan, Jim
Whiting, Herbert

Bouchard, Candace
Foose, Robert
Hamm, Christine
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Williams, Robert

Danforth, James
French, Barbara
Lockwood, Priscilla
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Yeaton, Charles

DeJoie, John
Gile, Mary
MacKay, James
Owen, Derek
Rush, Deanna
Tupper, Frank

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Dowling, Patricia
Gilbert, Karl
Hughes, Daniel
McKinney, Betsy
Quandt, Marshall Lee
Splaine, James
Wells, Roger

Allen, Mary
Casey, Kimberley
Flanders, John Sr
Gillick, Thomas
Johnson, Robert
Norelli, Terie
Quandt, Matthew
Stone, Joseph
Winchell, George

Bishop, Franklin
Cooney, Richard
Flockhart, Eileen
Gould, Kenneth
Langley, Jane
Pantelakos, Laura
Robertson, Carl
Weare, E Albert

Blanchard, MaryAnn
DiFruscia, Anthony
Forsing, Robert
Headd, James
Mason, April
Powers, James
Serlin, Christopher
Weldy, Norman

STRAFFORD

Brown, Jennifer
Creteau, Irene
Hofemann, Roland
Schmidt, Peter
Wall, Janet

Brown, Julie
Domingo, Baldwin
Keans, Sandra
Smith, Marjorie

Brown, Lawrence
Dunlap, Patricia
Rollo, Michael
Spang, Judith

Cilley, Jacalyn
Grassie, Anne
Rous, Emma
Taylor, Kathleen

SULLIVAN

Cloutier, John
Jillette, Arthur Jr
and the motion to reconsider failed.
The House recessed at 6:40 p.m.

Converse, Larry
Phinzy, James

Donovan, Thomas

Franklin, Peter

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 7:10 p.m.

BILLS REMOVED FROM CONSENT CALENDAR OF MARCH 30, 2005

HB 717, prohibiting cancellation of property and liability insurance on the basis of certain political activities. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: The committee felt this bill was unnecessary as ample markets are currently providing this coverage. Present homeowner policies do not exclude coverage for political activities and umbrella liability policies generally follow form with its underlying policies. Although some companies specifically exclude political coverage due to their underwriting criteria or reinsurance limitations, coverage can usually be obtained by shopping other carriers. In addition to this, elected members of the legislature have constitutional protection while participating in the meetings of the legislature or its committees. Vote 18-2.

Rep. Claudia Chase spoke against and yielded to questions.

Rep. DeJoie spoke against.

Reps. James Martin and Stepanek spoke in favor.

On a division vote, 143 members having voted in the affirmative and 133 in the negative, the committee report was adopted.

SPECIAL ORDER

Rep. O'Neil moved that **HB 635-FN-L**, relative to education funding, be made a Special Order in the Regular Calendar order for April 13, 2005.

Adopted.

HB 270, relative to procedures of the legislative ethics committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Election Law: This bill, as amended, establishes requirements and procedures for disqualification of and recusal by legislative ethics committee members. Testimony received by the committee indicated that appropriate guidelines were not presently in place. The committee felt that this oversight should be corrected. Vote 17-0.

Amendment (0797h)

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Legislative Ethics Committee; Disqualification and Duty to Recuse. Amend RSA 14-B by inserting after section 4 the following new section:

14-B:4-a Disqualification and Duty to Recuse.

I. No member shall participate in any matter which the committee is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of another legislator, or if that member would be disqualified for any reason stated for jury disqualification under RSA 500-A:12. Reasons for disqualification shall not include knowledge of the facts involved gained in the performance of the member's official duties on the committee.

II. A member who is recused or disqualified shall not participate in any discussions of the committee nor make any public or private statements to any member of the committee or to any other person until the final determination of the committee has been made or until any final recommendation of the committee has been issued. Such member may attend public meetings or hearings of the committee; however, if so present, such member shall not be seated at the committee table nor take any actions whereby it may be perceived by another legislator or the public that the member is acting as a member of the committee.

III. The committee may, upon the request of a member or any other person, vote on the question of whether a member should be recused or disqualified in a particular matter. Any such request and vote shall be made prior to or at the commencement of any action relative to that matter or immediately upon the discovery of a reason for recusal or disqualification at any time during the course of committee action of a matter. Such vote shall be advisory and nonbinding.

IV. A violation of this section shall be considered a violation of the guidelines established by the committee.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes requirements and procedures for disqualification of and recusal by legislative ethics committee members.

Rep. Whalley spoke in favor.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 371, relative to mercury reduction. OUGHT TO PASS WITH AMENDMENT

Rep. Suzanne S. Butcher for Environment and Agriculture: This bill bans the disposal of mercury-added products in a landfill or transfer station, requiring that they be separated for recycling or disposal as a hazardous waste. Industry already has strict recycling requirements; this bill covers household products such as fluorescent tubes, batteries and thermometers. The amendment allows more flexibility for implementation and extends the effective date to January 1, 2006. This bill is in keeping with joint efforts in New England to remove mercury from the waste stream and is supported by the Department of Environmental Services. Vote 17-0.

Amendment (0665h)

Amend the introductory paragraph of RSA 149-M:58, V as inserted by section 1 of the bill by replacing it with the following:

V. Owners and operators of solid waste transfer stations and landfill facilities shall not be found to have knowingly accepted or disposed of mercury-added products if, at a minimum, the facility has implemented any of the following mechanisms:

Amend RSA 149-M:58 as inserted by section 1 of the bill by deleting paragraph VI and renumbering the original paragraph VII to read as paragraph VI.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2006.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 158, relative to the Auburn District Court. OUGHT TO PASS WITH AMENDMENT

Rep. Tony F. Soltani for Judiciary: This bill addressed three distinct issues with the district court. The Hampton and Exeter Courts are in a very difficult position. Their present location does not accommodate the space needs nor are the litigants and employees able to properly and efficiently carry on the business of the court. The bill temporarily locates the Hampton Court in a Seabrook facility and Exeter District Court in a facility in Seabrook. A permanent remedy is expected in the next three to four years. The Auburn District Court building is moldy, subject to leaks and flooding. The air quality is also substandard. The facility is also located in the southern most location of a district which is very inconvenient for most of the towns in the northern portion of the district. With the shifting population, the most central location of the district fall in Raymond or Candia. The bill places this court in either Candia or Raymond on a permanent basis with the ability to hold court in any town in the district from time to time. Vote 16-0.

Amendment (0861h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to Auburn, Exeter, and Hampton District Courts.

Amend the bill by replacing all after the enacting clause with the following:

1 District Courts; Auburn-Candia-Raymond District. RSA 502-A:1, IV is repealed and reenacted to read as follows:

IV. AUBURN-CANDIA-RAYMOND DISTRICT. The Auburn-Candia-Raymond district shall consist of the towns of Auburn, Candia, Deerfield, Nottingham, Raymond, and Northwood. The court shall be located in Candia or Raymond. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. The court shall bear the name of the city or town in which it is located.

2 District Courts; Hampton District; Exeter District. Amend RSA 502-A:1, II and II-a to read as follows:

II. HAMPTON DISTRICT. The Hampton district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, and Seabrook. The district court for the district shall be *temporarily* located in [~~Hampton~~] *Seabrook*, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Hampton District Court.

II-a. EXETER DISTRICT. The Exeter district shall consist of the towns of Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood. The district court for the district shall *temporarily* be located in [~~Exeter~~] *Brentwood*, holding sessions regularly therein and elsewhere in the district as justice may require. The name of this court shall be the Exeter District Court.

3 Contingency. RSA 502-A:1, II and II-a as inserted by section 2 of this act shall remain in effect until the Hampton District Court and Exeter District Court are permanently sited in accordance with 2004, 236:8-10, or other provisions of law. In any event the court shall be permanently sited no later than January 1, 2011.

4 Effective Date.

I. Section 1 of this act shall take effect January 1, 2006.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill changes the name of the Auburn judicial district to the Auburn-Candia-Raymond district and requires the court to be located in Candia or Raymond.

The bill also temporarily changes the locations of the Hampton District Court and the Exeter District Court.

Amendment adopted.

Rep. Paul Smith offered floor amendment (0938h).

Floor Amendment (0938h)

Amend the bill by replacing section 1 with the following:

1 District Courts; Auburn-Candia-Raymond District. RSA 502-A:1, IV is repealed and reenacted to read as follows:

IV. AUBURN-CANDIA-RAYMOND DISTRICT. The Auburn-Candia-Raymond district shall consist of the towns of Auburn, Candia, Deerfield, Nottingham, Raymond, and Northwood. The court shall be located in Auburn, Candia, or Raymond. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. The court shall bear the name of the town in which it is located.

AMENDED ANALYSIS

This bill changes the name of the Auburn judicial district to the Auburn-Candia-Raymond district and requires the court to be located in Auburn, Candia, or Raymond.

The bill also temporarily changes the locations of the Hampton District Court and the Exeter District Court.

Rep. Soltani spoke against.

Reps. Paul Smith and Rowe spoke in favor.

Floor amendment (0938h) adopted.

Committee report adopted and ordered to third reading.

HB 536, relative to excluding deductions from compensation from all elected state, county, and local officials. **INEXPEDIENT TO LEGISLATE**

Rep. Anna Tilton for Legislative Administration: Although the committee felt there were some good points brought forward in the testimony, courts have determined that for purposes of compensation state representatives fall within the state guidelines for deductions to be withheld. The committee is retaining CACR 11, relative to the compensation of the legislature, and the committee agrees to also discuss the issue in this bill in conjunction with CACR 11. Vote 8-2.

Rep. Marple spoke against.

Rep. McKinney spoke in favor.

On a division vote, 205 members having voted in the affirmative and 63 in the negative, the committee report was adopted.

HCR 9, commending the New Hampshire Fisher Cats on their championship. **OUGHT TO PASS**
Rep. Caitlin A. Daniuk for Legislative Administration: We want to commend the New Hampshire Fisher Cats. Baseball in Manchester helps show a commitment to family and how it has revitalized Manchester's downtown. We want to congratulate the team based on its accomplishments for New Hampshire sports. Vote 8-4.

Rep. Vaillancourt spoke against.

Rep. McKinney spoke in favor.

Report failed.

Rep. Vaillancourt moved Inexpedient to Legislate.

Motion adopted.

HB 537, relative to liens filed with public servants. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Prichard for Municipal and County Government: This bill would prohibit public servants from accepting or recording liens that did not comply with Part II, Article 87 of the NH Constitution. The hearing's opening was delayed for several minutes, but the committee was unable to find any of the bill's sponsors when the hearing started. It was kept open throughout the day. Having no testimony from any of the sponsors and unable to be clear about the bill's intent and the circumstances which prompted its initiation, the committee closed the hearing at 4pm on that day March 17th. Vote 14-0.

Rep. Marple spoke against.

Rep. Patten spoke in favor.

Committee report adopted.

HB 710-FN, establishing property appraisals for the taxation of property based upon its current use as a residence for persons over 65. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rep Eric G. Stohl for Municipal and County Government: This bill as amended addresses two issues dealing with assessing practices. In the first instance it deals with the stipulation in RSA 75-8-a that municipal property values on all real estate shall be assessed at least every five years. Due to changes in the department of revenue's method of reviewing the assessing practices within municipalities statewide there needs to be an opportunity for a municipality to show that a full revaluation is not necessary based on the results of DRA's review indicating that the municipality is in compliance RSA 75:1 regarding market value for all their properties. In the second instance it deals with the adjustment of the equalized assessed value in the town of Roxbury. A tax exempt property was reported as a taxable property which increased the tax burden to the citizens of Roxbury. This legislation does not seek to reduce the value reported in error for the last three years but it does reduce the inaccurate value that was reported to DRA. Vote 15-0.

Amendment (0885h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury.

Amend the bill by replacing all after the enacting clause with the following:

1 Five-Year Valuation. RSA 75:8-a is repealed and reenacted to read as follows:

75:8-a Five-Year Valuation. The assessors and selectmen shall reappraise all real estate within the municipality so that the assessments are at full and true value at least as often as every fifth year, beginning with the later of either of the following:

I. The first year a municipality's assessments were reviewed by the commissioner of the department of revenue administration pursuant to RSA 21-J:3, XXVI and the municipality's assessments were determined to be in accordance with RSA 75:1; or

II. The municipality conducted a full revaluation monitored by the department of revenue administration pursuant to RSA 21-J:11, II, provided that the full revaluation was effective on or after April 1, 1999.

2 Town of Roxbury; Total Valuation Adjusted By the Department of Revenue Administration. The commissioner of revenue administration shall adjust the 2003 total town valuation for the town of Roxbury to exclude the \$2,143,500 of exempt property previously included as taxable property. Notwithstanding RSA 21-J:35, the department shall forthwith utilize such adjusted total valuation in all calculations of town, county, state education, and local education tax rates, and in the determination of equalized assessed valuation.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies the 5-year period in which municipalities reappraise real property to full and true value. The bill also directs the department of revenue administration to adjust the 2003 total valuation for the town of Roxbury.

Rep. Patten spoke against.

Amendment failed.

Rep. Patten offered floor amendment (0922h).

Floor Amendment (0922h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury.

Amend the bill by replacing all after the enacting clause with the following:

1 Five-Year Valuation. RSA 75:8-a is repealed and reenacted to read as follows:

75:8-a Five-Year Valuation. The assessors and/or selectmen shall reappraise all real estate within the municipality so that the assessments are at full and true value at least as often as every fifth year, beginning with the later of either of the following:

I. The first year a municipality's assessments were reviewed by the commissioner of the department of revenue administration pursuant to RSA 21-J:3, XXVI and the municipality's assessments were determined to be in accordance with RSA 75:1; or

II. The municipality conducted a full revaluation monitored by the department of revenue administration pursuant to RSA 21-J:11, II, provided that the full revaluation was effective on or after April 1, 1999.

2 Town of Roxbury; Total Valuation Adjusted By the Department of Revenue Administration. The commissioner of revenue administration shall adjust the 2003 total town valuation for the town of Roxbury to exclude the \$2,143,500 of exempt property previously included as taxable property. Notwithstanding RSA 21-J:35, the department shall forthwith utilize such adjusted total valuation in all calculations of town, county, state education, and local education tax rates, and in the determination of equalized assessed valuation.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies the 5-year period in which municipalities reappraise real property to full and true value. The bill also directs the department of revenue administration to adjust the 2003 total valuation for the town of Roxbury.

Rep. Patten spoke in favor.

Floor amendment (0922h) adopted.

Committee report adopted and ordered to third reading.

SB 23, relative to membership on the public water access advisory board. **INEXPEDIENT TO LEGISLATE**

Rep. Harry C. Merrow for Resources, Recreation and Development: This bill as amended adds a public member representing coastal or marine interests, appointed by the Governor and Council, to the Public Water Access Advisory Board. Vote 17-2.

Rep. Dickinson spoke against.

Committee report failed.

Rep. Dickinson moved Ought to Pass with Amendment and offered floor amendment (0926h).

Floor Amendment (0926h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Public Water Access Advisory Board; Membership; Coastal or Marine Member Added. Amend RSA 233-A:2, I by inserting after subparagraph (p) the following new subparagraph:

(q) A public member representing coastal or marine interests, appointed by the governor and council.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds a member representing coastal or marine interests to the public water access advisory board.

Rep. Dickinson spoke in favor.

Floor amendment (0926h) adopted.

Motion of Ought to Pass with Amendment adopted.

Ordered to third reading.

SPECIAL ORDER

Rep. Price moved that **HCR 3**, urging Congress to require the Department of Justice to conduct a review and release information to the public regarding mistreatment and restrictions placed on Italian-American citizens of the United States during World War II, be made a Special Order in the Regular Calendar order for April 13, 2005.
 Adopted.

BILLS REMOVED FROM CONSENT CALENDAR (CONT'D.)

HCR 5, recognizing New Hampshire's ratification of the original Thirteenth Amendment to the United States Constitution. **INEXPEDIENT TO LEGISLATE**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The unintended consequence of this bill would be to repeal the current 13th amendment abolishing slavery. This bill states "honorary" knighted individuals such as former presidents and generals shall be stripped of their citizenship. The original 13th amendment stated no such thing. The original 13th amendment gave consent of congress for such titles and honors. Vote 13-1.

Rep. Marple spoke against.

Rep. Roberts spoke in favor.

Committee report adopted.

HCR 6, urging Congress to enact legislation to make English the official language of the United States. **OUGHT TO PASS**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: In 1995 the State of New Hampshire passed a law making English the official language of the state. Almost all the comments during the executive session reinforced the importance of understanding and speaking the English language as a stepping stone to success. Encouraging speaking one's native language in the home was also felt to be important by the committee. One of the strengths of America has been the ability to communicate with one common language. Immigrating families to this country realized the importance of speaking English as quickly as possible to get ahead both socially and economically. Those in the committee that voiced some concern with this resolution felt that the intent might be to only hear English spoken throughout our communities. The committee felt that multi-lingual abilities was an absolute gift that if a person had, could not be taken away. This resolution simply states that English should be the common language for communicating in the United States. Vote 11-0.

Rep. Pilotte spoke against.

Rep. Twombly spoke in favor.

Committee report adopted and ordered to third reading.

HCR 7, urging the United States Congress to establish and revise the current drug policy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara E. Shaw for State-Federal Relations and Veterans Affairs: Despite government efforts in the War on Drugs over three decades, spending ½ trillion dollars, the stated objective of a drug free America has not been achieved. Although efforts are extensive, in these times of limited fiscal resources it is important to review the billions spent for re-evaluation of effectiveness and justification. It is time for Congress to establish a task force to review its policies and revise its current drug policy to better serve the citizens of our country. Vote 12-0.

Amendment (0255h)

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION urging the United States Congress to establish a task force to review and revise the current drug policy.

AMENDED ANALYSIS

This house concurrent resolution urges the United States Congress to establish a task force to review and revise the current drug policy.

Amendment adopted.

Reps. Pilotte and Wendelboe spoke against.

Reps. Ingbreton and Shaw spoke in favor.

Committee report failed.

Rep. Soltani moved Inexpedient to Legislate.

On a division vote, 204 members having voted in the affirmative and 67 in the negative, the motion of Inexpedient to Legislate was adopted.

HB 720-FN, relative to special number plates. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have required the Department of Safety to produce new legislative plates this year. There have been many concerns with the current plates especially with the looks and where the plates were manufactured. Although some of the committee may agree with the sponsors on the looks of the plates, the majority feels we would be setting a bad example to the public by passing special plate legislation for ourselves and asking the citizens to pay the extra cost. Vote 9-1.

Reps. Gibson and Soltani spoke against.

Rep. Packard spoke in favor.

On a division vote, 131 members having voted in the affirmative and 138 in the negative, the committee report failed.

Rep. Gibson moved Ought to Pass.

Rep. Welch spoke against and yielded to questions.

Rep. Crane spoke against.

On a division vote, 139 members having voted in the affirmative and 130 in the negative, the motion of Ought to Pass was adopted.

Ordered to third reading.

REMOVED FROM THE TABLE

Rep. Major moved that **HR 15**, affirming revenue estimates for fiscal years 2005, 2006 and 2007, be removed from the table.

Adopted.

Rep. Major offered floor amendment (1023h).

Floor Amendment (1023h)

Amend the resolution by replacing all after the resolving clause with the following:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2005, 2006, and 2007.

Committee estimates are based on current rates.

Rep. Major spoke in favor.

Rep. Almy spoke against.

Floor amendment (1023h) adopted.

LAI D ON THE TABLE

Reps. Major and Almy moved that **HR 15**, affirming revenue estimates for fiscal years 2005, 2006 and 2007, be laid on the table.

Adopted.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 13, 2005 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 66, regulating mandatory overtime for nurses and assistants.

HB 350, relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.

HB 665-FN-L, relative to the applicable minimum wage for hourly employees.

HB 392-FN, increasing the mileage reimbursement rate for members of the legislature.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire day.

HB 90, relative to private driving instruction and exhibition facilities.

HB 69, relative to large groundwater withdrawals.

HCR 11, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court.

HB 513, relative to on-board diagnostic system inspections.

HB 270, relative to procedures of the legislative ethics committee.

HB 371, relative to mercury reduction.

HB 158, relative to the Auburn, Exeter, and Hampton District Courts.

HB 710-FN, relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury.

SB 23, relative to membership on the public water access advisory board.

HCR 6, urging Congress to enact legislation to make English the official language of the United States.

HB 720-FN, relative to special number plates.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 9:00 p.m.

RECESS

(Rep. Cady in the Chair)

RESOLUTION

Rep. Price offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 30, 56, 61, 86, 89, 119, 121, 123, 143, 163, 167, 168, 179, 183, 187, 199, 210, 216, 226, and 227 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 30, establishing the Collaborative Practice for Emergency Contraception Act. (Health, Human Services and Elderly Affairs)

SB 56, relative to penalties for eluding pursuit by a law enforcement officer. (Criminal Justice and Public Safety)

SB 61, relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees. (Judiciary)

SB 86, permitting on-site samples and retail sales by liquor manufacturer licensees. (Executive Departments and Administration)

SB 89-FN, relative to financing federally aided highway projects. (Public Works and Highways)

SB 119, establishing a committee to study exempting acute care rehabilitation from the nursing home moratorium. (Health, Human Services and Elderly Affairs)

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision. (Resources, Recreation and Development)

SB 123, relative to the liability of pet shops for the sale of sick animals. (Commerce)

SB 143, relative to the adoption and use of impact fees for public open space. (Municipal and County Government)

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program. (Health, Human Services and Elderly Affairs)

SB 167, relative to extension of guardianship. (Judiciary)

SB 168, relative to administration of estates. (Judiciary)

SB 179, requiring hunters to report the death or injury of domestic animals. (Environment and Agriculture)

SB 183, authorizing licensed medical adult day program facilities to assist clients with medication. (Health, Human Services and Elderly Affairs)

SB 187, relative to allowing alternative certified hazardous waste coordinator programs. (Environment and Agriculture)

SB 199, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges. (Finance)

SB 210-FN, relative to a declaratory judgment to adjudicate constitutional nexus. (Judiciary)
SB 216, establishing a commission to study area agencies. (Health, Human Services and Elderly Affairs)

SB 226, relative to the regulation of snowmobiles and off highway recreational vehicles. (Resources, Recreation and Development)

SB 227, naming a certain bridge in the town of Enfield the Henry P. Brown, M.D. Bridge, renaming the White Mountain Attraction Building as the Dick Hamilton Building, and renaming the Twin Mountain Bridge as the Kenneth B. Jordan Memorial Bridge. (Public Works and Highways)

RECESS

(Rep. McKay in the Chair)

RESOLUTION

Rep. Nedeau offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 38, 43, 79, 88, 101, 125, 145, 146, 147, 169, 170, 171, 186, 196, and 214 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 38-FN, relative to school building aid for certain receiving districts. (Education)

SB 43, relative to the administration of estates of persons presumed dead. (Judiciary)

SB 79, relative to the governance of the regional community-technical colleges. (Executive Departments and Administration)

SB 88, relative to emergency medical transportation. (Health, Human Services and Elderly Affairs)

SB 101-FN, relative to developmentally disabled services for persons under 21 years of age. (Health, Human Services and Elderly Affairs)

SB 125-FN, repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism. (Commerce)

SB 145-FN, establishing a medical/vision advisory board. (Transportation)

SB 146-FN-A-L, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices. (Finance)

SB 147-FN-L, relative to eligibility for local assistance. (Municipal and County Government)

SB 169, relative to access to confidential court records. (Judiciary)

SB 170, revising the nurse practice act. (Executive Departments and Administration)

SB 171, establishing a committee to study HIV/AIDS service delivery. (Health, Human Services and Elderly Affairs)

SB 186, allowing probate court judges and district court justices to sit on probate or district court cases. (Judiciary)

SB 196, requiring a hearing when medical malpractice insurance rates change. (Commerce)

SB 214, relative to screening panels for medical injury claims. (Judiciary)

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 12

Wednesday, April 13, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, The Reverend Angelo Pappas of St. Nicholas Greek Orthodox Church in Portsmouth.

Eternal God, in whose hands lie the destinies of all persons, help us to feel our sacred unity as members of the human family and children of a common Father. Make us alert, vigilant and in concord in our service to our communities.

May the spirit of love and goodwill possess and control our hearts as we bring blessedness to needy humanity and especially to those who look to us for guidance. Teach us to look to You for assistance. Direct our thoughts and decisions and allow us to have the awareness that You are the giver of every good worthwhile gift; that our lives are in Your keeping. That our endeavors are directed by Your leadership, that our successes and failures are known to You. Favor us with Your blessings and great mercy as we attempt to fulfill the assignments of this state legislature. We also ask You, Lord, to keep in mind and restore to good health those members who are lying ill. This we ask in Your name. Amen

Rep. Dennis F. Abbott led the Pledge of Allegiance.

The National Anthem was sung by the Merrimack Middle School Quartet, 8th grade students Allison Graham, Aubrey Pearson, Ashley Reynolds and Michael White.

LEAVES OF ABSENCE

Reps. Albert, Alger, David Cote, Peter Cote, Crane, Donahue, Gonzalez, Hirschmann, Lessard, Mirski, Palangas, Palazzo, Philbrick and Timothy Robertson, the day, illness.

Reps. Balboni, Barker, Bergin, Bicknell, Biundo, Brundige, William Chase, Creteau, Danforth, Stephanie Eaton, Giuda, Hellwig, Hollinger, Infantine, Paula Johnson, Moran, Morris, Owen, Packard, Pantelakos, Pelkey, Serlin and Stiles, the day, important business.

Reps. Emerton and Hagan, the day, illness in the family.

INTRODUCTION OF GUESTS

Amanda Mead, student from Amherst Middle School, Page for the day. Shawna Pearson, Lisa Graham, Barry and Anne Reynolds, Kim White, Joseph and Jean Johnson, parents and grandparents of the day's singers along with Kate Stevens, Music Director, Mary Pelrine and Rick Peason, all guests of the House. Barbara and Cassandra Stepanek, Tony and Barbara Pluhar and John Falvia, wife, daughter, father-in-law, mother-in-law and guest of Rep. Stepanek. Linda Teagan, guest of Rep. Carolyn Brown.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

MOTION TO VACATE

Rep. Batula moved that the House vacate the reference of **SB 30**, establishing the Collaborative Practice for Emergency Contraception Act, to the Committee on Health, Human Services and Elderly Affairs.

Motion adopted by the necessary two-thirds.

The Speaker referred **SB 30**, establishing the Collaborative Practice for Emergency Contraception Act, to the Committee on Executive Departments and Administration.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted by the necessary two-thirds.

HB 623-FN, relative to licensing requirements in the insurance and financial services industries. **OUGHT TO PASS**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill was referred to Criminal Justice and Public Safety as a second committee to review the increased penalties applied to those who practice without a license as real estate brokers, public adjusters, managing general agent, reinsurance intermediary, insurance producer, life insurance agent, health service agent, or securities brokers and dealers. The committee found no reason to change what the Commerce Committee has done and agrees with the March 9th House vote to pass this bill. Vote 18-0.

HB 257, relative to emergency medical and trauma service protocols and quality assurance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This bill will allow the Emergency Medical and Trauma Services to establish a quality management program. This will allow for the continuous evaluation and a measurement system to be established to help identify trends so corrective action can be taken in patient protocols. This bill also removes the ability of having local options for protocols. The committee felt very strongly that the Medical Control Board should be the entity to set patient protocols statewide. Vote 15-0.

Amendment (0951h)

Amend the bill by replacing section 4 with the following:

4 Emergency Medical and Trauma Services; Duties of Commissioner. Amend RSA 153A:7, II to read as follows:

II. The commissioner shall:

(a) Adopt rules, *under RSA 541-A*, with the advice and assistance of the coordinating board, the emergency medical services medical control board, and the trauma medical review committee, in accordance with RSA 153-A:20.

(b) Oversee the administration of the division by the director.

Amend the bill by replacing all after section 6 with the following:

7 Emergency Medical and Trauma Services; Rulemaking. Amend RSA 153-A:20, II to read as follows:

II. Protocols recommended by the emergency medical services medical control board for provision of emergency medical care [~~which shall provide for the provision of local options under medical control~~]. The protocols shall address living wills established under RSA 137-H, durable powers of attorney for health care established under RSA 137-J, and patient-requested, physician generated orders relative to resuscitation.

8 Repeal. RSA 153-A:2, XII, relative to the definition of a local option, is repealed.

9 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill:

I. Directs the commissioner of the department of safety to adopt rules under RSA 541-A. The bill removes the reference in current law to the provision of local options under medical control and repeals the definition of "local option."

II. Establishes a quality management program for emergency and trauma service providers.

This bill is a request of the department of safety.

HB 59-FN-L, relative to municipal responsibility for septage disposal. **OUGHT TO PASS**

Rep. Kenneth L. Weyler for Finance: Just as a municipality must make solid waste arrangements for its citizen's waste, it also has responsibility for liquid waste arrangements. Problems have arisen when private septage haulers took most of a town's waste to another municipality. When the receiving municipality found its facility at capacity, it would refuse waste from out of town. This is a problem that each municipality must deal with, either by creating its own receiving facility or having a contract with an out-of-town facility or facilities, that will always be honored. The original bill had penalty fines for a town's non-compliance. That section was removed prior to its coming to the Finance committee. Vote 17-2.

HB 78-FN-L, relative to state funding of regional vocational education centers. **OUGHT TO PASS**

Rep. Robert K. Dodge for Finance: This bill clarifies the capital appropriation requirements for funding regional vocational education projects, provides that the state shall fund a maximum of 75% of the cost of renovation or expansion of a regional vocational education center, and adds a definition of a qualified project. Vote 19-0.

HB 210-FN, relative to the determination of absence and return of contributions of members of the retirement system. **OUGHT TO PASS**

Rep. Kenneth L. Weyler for Finance: The Finance Committee concurs with the policy committee, Executive Departments and Administration, that this bill ought to pass. The state retirement system is designed to provide for public employees in their retirement. One of its basic goals is to produce earnings of nine percent for its beneficiaries. When it fails to produce nine percent, the contribution rate for the employers (state, county and municipal governments) must increase. There are also occasions when the employee's contribution must increase. Formerly a member who left the system was allowed to leave his or her contributions in the fund, and be guaranteed nine percent for up to six years. Since the member was not expected to be a future beneficiary, and was not impacted by the increased contribution during the absence period, this was regarded as an unreasonable benefit to give a now, non-member. The allowed absence period is reduced from six to two years by this legislation. Contributions will then be distributed within three months of the termination after the two years. Vote 19-0. Rep. Robert A. Johnson declared a conflict of interest and did not participate.

HB 216-FN, relative to the authority of the New Hampshire retirement system to purchase supplies and services. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill continues the independent operations started with the relief from administrative charges to the state from the retirement system. With respect to purchasing supplies and services, it removes the need to obtain external approvals, which at times can slow the process, when the system needs to meet ever increasing demands of members and employers. Vote 19-0.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefore. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: The amendment reduces the appropriation to \$1.00 due to the present uncertain financial situation. Hopefully, as revenues stabilize and the budget works through the process, the Senate may be able to fund this essential task. Vote 21-0.

Amendment (0992h)

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2006 is hereby appropriated to the division of parks and recreation, department of resources and economic development for the purposes set forth in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill appropriates \$1 for 2 plans, one for public access and recreational use and the other for road management in the Connecticut Lakes headwaters working forest.

HB 643-FN, establishing an integrated criminal justice information system. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: The amendment to this bill removes section 5 which is a budget, but not an appropriation, for the J-One system in the bill. There is no general fund money in this bill for FY '06 and '07. The amendment has no effect on the important policy of the bill. Vote 19-0.

Amendment (1013h)

Amend the bill by deleting section 5 and renumbering the original section 6 to read as 5.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly T. Rodeschin for Finance: This bill transfers public works from the Department of Transportation and the Department of Health and Human Services to the Department of Administrative Services. The amendment allows all transfers except for the following buildings – acute psychiatric services building, Anna Philbrook Center and all transitional house buildings, including Howard recreation building. The reason for excluding this transfer is the special training of these personnel. Vote 17-2.

Amendment (1015h)

Amend paragraph V of section 3 of the bill by replacing it with the following:

V.(a) Except as provided in subparagraph (b), as of July 1, 2005, all personnel under the supervision of the department of health and human services whose function it is to care for and maintain state-owned buildings on the New Hampshire hospital campus as described in RSA 4:39-a shall be transferred to the department of administrative services, division of plant and property management, together with all of the books, papers, payroll, records, equipment, unexpended appropriations for personnel and all building and grounds maintenance functions relating to the New Hampshire hospital campus, or other available funds in any account or subdivision of any account of the department of health and human services related to building and property care and maintenance at the New Hampshire hospital campus.

(b) Personnel under the supervision of the department of health and human services who provide patient care functions and maintenance inside the following buildings shall not be transferred to the department of administrative services:

(1) The acute psychiatric services building.

(2) The Anna Philbrook center.

(3) All transitional housing buildings, including the Howard recreation building.

Amend RSA 21-I:11, X as inserted by section 5 of the bill by replacing it with the following:

X. Subject to the direction and supervision of the commissioner of administrative services, act as custodian of the state house, legislative office building, state house annex, state library, and, *with the exception of interior maintenance of the acute psychiatric services building, the Anna Philbrook center and all transitional housing buildings including the Howard recreation building, all state-owned buildings located on the campus of the New Hampshire hospital as described in RSA 4:39-a, as well as the grounds connected with each of the foregoing properties*, and have charge of all matters relating to the care, maintenance and repair of said property.

HB 662-FN-A, making an appropriation to the department of health and human services for family mutual support services. **INEXPEDIENT TO LEGISLATE**

Rep. Sharon Nordgren for Finance: The Finance Committee recommends an ITL motion on this bill and has instead inserted a line item in the budget that would appropriate money as requested in the bill, money moved from an existing line. The money would be allocated to a "family support organization." The committee supports a non-profit volunteer organization continuing this service to families of the mentally ill. Vote 21-0.

HB 686-FN, relative to the judicial branch family division. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: Since the family court is memorialized in the budget and trailer bills this bill is no longer necessary. Vote 20-0.

HB 687-FN, relative to free tuition at New Hampshire public institutions of higher education for children of veterans who die while on active duty or from a service-connected disability. **OUGHT TO PASS**

Rep. Daniel M. Hughes for Finance: This bill offers an academic stipend of up to \$2,500/yr. for up to 4 years and free tuition at New Hampshire public institutions of higher education for children of veterans who die while on active duty or from a verified service-connected disability. The small cost of this expenditure is incomparable to the price that has been paid by the recipients of these stipends. Vote 18-0.

HB 302, relative to the mileage rate for service of documents by county sheriffs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kevin L. Camm for Ways and Means: This bill, as amended, establishes uniform mileage rates for the delivery of writs from the sheriff's office at the maximum rate per mile as allowed by the IRS. Vote 17-3.

Amendment (0936h)

Amend RSA 104:31, IV as inserted by section 1 of the bill by replacing it with the following:

IV. In every county for actual travel to serve any writ, notice, subpoena, process, or execution, to be reckoned from the place of service to the ~~[residence of the officer]~~ *sheriff's office*, and for travel to attend any court by the order thereof, to be reckoned from the ~~[residence of the officer]~~ *sheriff's office* to the court, each mile, each way, ~~[\$45]~~ *at the maximum rate per mile allowed by the Internal Revenue Code and regulations*.

AMENDED ANALYSIS

This bill allows the mileage reimbursement rate for service of any writ, notice, subpoena, process, or execution by county sheriffs to be the rate allowed by the Internal Revenue Service.

HB 313-FN, relative to registration of business entities. OUGHT TO PASS

Rep. Susan W. Almy for Ways and Means: Last term most fees of the Secretary of State's Corporate Division were standardized and updated, but a few were overlooked. This bill increases the few remaining fees from \$10 to \$25 and equates the fees for belated reinstatement of limited liability companies to those of ordinary corporations. Vote 19-1.

HB 407-FN-L, relative to licensing of dogs. INEXPEDIENT TO LEGISLATE

Rep. Roger G. Wells for Ways and Means: This bill would raise the tax on dog owners by 45 percent for each dog registered. The licensing of dogs was originally designed to provide a fund to reimburse livestock owners for damage by stray dogs. The fee has since become a source of funding numerous projects, including the diagnostic laboratory at UNH and the animal overpopulation (spay and neuter) program. The spay and neuter program has been so successful that there is now a shortage of dogs for shelters to sell. They now import dogs from other states and from out of the country to be sold. The shelters then grant certificates for discount neutering by veterinarians at state expense. Most of the neutering is now done on cats, which is being paid for by the tax on dog owners. All warm blooded animals can get and transmit rabies, yet dogs are the only ones required to be taxed through licensing. Raising the fee 45 percent will likely increase the amount of non-compliance by dog owners. Veterinarians must prepare and keep far more paperwork than town clerks, as well as mailing, at their own expense, vaccination certificates to each of the towns from which they have vaccinated dogs. This bill is unfair to dog owners and veterinarians. Vote 18-3.

HB 430-FN-A, establishing a one-day resident fishing license. OUGHT TO PASS WITH AMENDMENT

Rep. Steve Vaillancourt for Ways and Means: This bill would allow the Fish and Game Department to sell fishing licenses to in-state residents on a daily basis. The amendment does two things. At the request of Fish and Game, the effective date is moved from July 1, 2005, to January 1, 2006. Also, the committee lowered the fee from \$10 for a one day license to \$7. Note that the bill actually says \$5 and the original bill said \$8. The \$2 difference is because \$1 is added for the agent who sells the license and \$1 is added for a habitat program. Thus, the committee amendment is \$3 a day less than the original request. The committee felt this would actually encourage more people to get the license rather than fish illegally for a day. Also, the 365 day license is \$35 (plus \$2), so at \$10, the one day fee would be more than 25 percent of the year long fee. The committee believed that was too much for one day of fishing. Those over 68 and under 16 would continue to fish free. Vote 20-1.

Amendment (0945h)

Amend RSA 214:9, II-b as inserted by section 1 of the bill by replacing it with the following:

II-b. If the applicant is a resident of this state and wishes to fish for one day, \$5, and the agent shall thereupon issue a one-day resident fishing license, which shall entitle the licensee to kill, take, and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids, for said time only, under the restrictions of this title.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2006.

HB 477-FN, increasing registration fees for pesticides and commercial feeds. OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Ways and Means: Registration fees for manufacturers of commercial pesticide and feed brands sold in this state have not been raised in 13 years. The increases in this bill still leave us below neighboring states, and are necessary for the functioning of our Department of Agriculture, Markets, and Food. The amendment corrects the name of a class of pesticide and was done at the request of the Environment and Agriculture Committee. Vote 21-0.

Amendment (0935h)

Amend RSA 430:38, III(a) as inserted by section 1 of the bill by replacing it with the following:

(a) For a [~~registered~~] *restricted* use pesticide, [~~\$50~~] \$80 per product per year;

AMENDED ANALYSIS

This bill increases registration fees for pesticides and commercial feeds, and makes a technical correction from "registered use pesticide" to "restricted use pesticide".

This bill is a request from the department of agriculture, markets, and food.

HB 651-FN-L, relative to federal lien registration. **OUGHT TO PASS WITH AMENDMENT**
Rep. Howie Lund for Ways and Means: The committee felt this bill, as amended, consolidated the federal lien process from local and state to just state filing. These are federal lien filings on personal property. The bill, as amended, would end federal lien filings with city and town clerks effective January 1, 2006. Cities and towns would retain federal liens in their possession thru 2017. All future federal liens after January 1, 2006 will be filed in the office of the Secretary of State. The amendment also has the \$30 fee associated with filing a federal lien, collected by the Secretary of State's office, deposited in the Federal Lien Registration Fund. The administration, staffing and maintenance of the federal lien process shall be paid out of the Federal Lien Registration Fund. Vote 17-0.

Amendment (0953h)

Amend RSA 454-B:5, II as inserted by section 5 of the bill by replacing it with the following:

II. Fees collected under this section shall be deposited in the federal lien registration fund and allocated to the secretary of state for the purposes specified in this chapter.

Amend RSA 454-B:5-a as inserted by section 6 of the bill by replacing it with the following:

454-B:5-a Disposition of Funds. The expenses of administering, staffing, maintaining, and improving services provided by the secretary of state under this chapter shall be paid out of a fund to be known as the federal lien registration fund herein established in the office of the state treasurer.

AMENDED ANALYSIS

This bill:

I. Ends filing of federal liens and related notices with town and city clerks.

II. Contains provisions for town and city clerks to retain federal lien records already in their possession until 2017.

III. Establishes a federal lien registration fund for federal lien filing fees and allocates the fund to the secretary of state.

REGULAR CALENDAR

SPECIAL ORDER

HB 635-FN-L, relative to education funding. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: At the request of the sponsor, the Education Committee took dispositive action on HB 635. The unanimous 18-0 committee vote to inexpedient to legislate is a clear indication of a lack of support for the funding method proposed by this bill. Vote 18-0. Committee report adopted by the necessary two-thirds.

HB 25-FN-A, making appropriations for capital improvements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert K. Dodge for Finance: After making a few technical corrections and changing the agency request for funding for one program which was approved by the Public Works and Highways Committee, the Committee approved the excellent work of the Public Works and Highways Committee on HB 25, which made our work on Finance much easier. Vote 23-0.

Amendment (1011h)

Amend paragraphs III – VI of section 1 of the bill by replacing them with the following:

III. Community-Technical College System.

A. Critical Maintenance NH Technical Institute	\$ 965,000
B. Critical Maintenance Berlin/Laconia	1,500,000
C. Critical Maintenance Nashua/Claremont	1,200,000
D. Critical Maintenance Manchester/Stratham	900,000
E. Nursing Education Center - Design	250,000
F. Renovation of Cafeteria - Nashua	297,000
Less Student Fees Supporting Debt Service	- 297,000

Net state appropriation subparagraph

0

G. Student Wellness Center - Nashua	6,531,000
Less Student Fees Supporting Debt Service	- 6,531,000
Net state appropriation subparagraph G	0
H. Sweeney Hall Snack Bar, Patio and Auditorium Renovations-Concord	1,007,000
Less Student Fees Supporting Debt Service-	1,007,000
Net state appropriation subparagraph H	0
I. Residence Hall Suites - NHTI Concord	7,259,000
Less Student Fees Supporting Debt Service-	7,259,000
Net state appropriation subparagraph I	0
J. Little Hall Dining Services Renovation - NHTI Concord	1,928,000
Less Student Fees Supporting Debt Service-	1,928,000
Net state appropriation subparagraph J	0
K. Library Learning Resource Center- Claremont	2,305,000
L. Health Education and Tech. Center-Manchester	9,100,000
M. Planetarium - Projector	564,000
Total state appropriation paragraph III	\$ 16,784,000
IV. Department of Corrections.	
A. Electronic Security Upgrades - Men's Prison	\$775,000
B. Roof Repairs - Men's Prison	2,434,000
C. Fire Alarm and Sprinkler System Upgrades - Men's Prison	589,000
D. Upgrade Boiler Rm EPA Control and Replace 3 Smoke Stacks	119,000
Total state appropriation paragraph IV	\$ 3,917,000
V. Department of Education.	
A. Renovation Regional Career and Tech Ed Center, Concord-State Share	\$ 3,494,073
B. Renovation Regional Career and Tech Ed Center, Conway-State Share	5,951,550
C. Pre-Engineering Technology	200,000
Total state appropriation paragraph V	\$ 9,645,623
VI. Department of Environmental Services.	
A. Dam Repairs, Removal and Reconstruction	\$ 1,270,000
Less Other*	- 94,969
Net state appropriation subparagraph A	1,175,031
* Source of other funds in subparagraph A is prior bond authorization as amended in section 18 of this act.	
B. Drinking Water SRF Matching Funds	3,150,000
C. Wastewater SRF Matching Funds	3,450,000
D. Bedrock Aquifer Monitoring	103,420
E. Technical Services Bureau - Air Monitoring Program	103,000
F. North Country Gorham Office	175,000
Less Other *	- 5,565
Net state appropriation subparagraph F	169,435
* Source of other funds in subparagraph F is prior bond authorization as amended in section 14 of this act.	
G. Laboratory Clean Room	497,110
Total state appropriation paragraph VI	\$ 8,647,996
Amend paragraph XIII of section 1 of the bill by replacing it with the following:	
XIII. Department Of Transportation	
A. 2 1/2-5 Percent Match for FAA Projects	\$ 50,835,614
Less Federal	- 42,273,824
Less Other	- 6,273,286
Net state appropriation subparagraph A	2,288,504
B. Public Transit Bus Replacement	440,000

C. Public Transit Bus Facility Improvements	410,000
D. Railroad Bridge Repairs	800,000
Less Other *	- 150,000
Net state appropriation subparagraph D	650,000

* Source of other funds in subparagraph D is prior bond authorization as amended in section 19 of this act.

E. Railroad Acquisition, Right of First Refusal	500,000
Less Other *	- 51,140
Net state appropriation subparagraph E	448,860

* Source of other funds in subparagraph E is prior bond authorization as amended in section 15 of this act.

Total state appropriation paragraph XIII	\$ 4,237,364
Total state appropriation section 1	\$ 76,222,177

Amend paragraph 1 of section 4 of the bill by replacing it with the following:

I. Department of Safety.

A. Enhanced Road Toll System	\$ 1,500,000
B. Fire Station Addition for Equipment and Vehicle Storage	648,000
Less Fire Standards and Training and Emergency Medical Services Fund	- 648,000
Net state appropriation subparagraph B	0
C. DMV Storage Building (23 Hazen Drive)	264,000
D. DMV Offices Add Fire and Intrusion Alarms	172,000
E. Milford DMV Office Addition	462,000
F. 33 Hazen Drive Renovations	575,000
G. Radio Maintenance Expansion	500,000
Less Turnpike Fund	- 95,000
Net state appropriation subparagraph G	405,000
Total state appropriation paragraph I	\$ 3,378,000

Amendment adopted by the necessary two-thirds.

Committee report adopted by the necessary two-thirds.

Ordered to third reading.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

HB 222-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Finance: This bill would extend by one year the eligibility of Group II disabled members relative to their payment of medical benefits. However under the terms of the priority statement for special accounts the benefit is not affordable. The committee felt that under the current state of fiscal affairs the priority list should be observed. Vote 19-0.

Rep. Zolla spoke against.

Rep. Robert Wheeler spoke in favor and yielded to questions.

On a division vote, 194 members having voted in the affirmative and 135 in the negative, the committee report was adopted.

HB 304-FN-A, relative to federal highway grant anticipation bonds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert K. Dodge for Finance: This bill will allow the state to issue bonds for the purpose of financing project costs related to the widening of Interstate 93 from Manchester to the Massachusetts border. These bonds are referred to as GARVEE bonds and the amendment will provide for overview by the Capital Budget Overview Committee. Vote 20-0.

Amendment (0994h)

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Report. The department of transportation shall submit a progress report on the construction and financing of the Interstate 93 widening project to the capital budget overview committee, established under RSA 17-J:2, at least every 6 months.

Adopted.

Committee report adopted and ordered to third reading.

SPECIAL ORDER

HCR 3, urging Congress to require the Department of Justice to conduct a review and release information to the public regarding mistreatment and restrictions placed on Italian-American citizens of the United States during World War II. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: The United States government has acknowledged the wartime campaign against Japanese-Americans and enacted a reparation law in August of 1988. For some reason, the Federal Bureau of Investigation refused to declassify 60-year old World War II documents of Italian-Americans. The committee felt that information released by the United States Department of Justice might not reveal the information that the sponsors of this resolution had hoped for. Vote 13-0.

Rep. Pepino spoke against and yielded to questions.

Rep. Twombly spoke in favor and yielded to questions.

On a division vote, 190 members having voted in the affirmative and 144 in the negative, the committee report was adopted.

REGULAR CALENDAR (CONT'D.)

HB 597-FN-A, relative to the natural heritage inventory program. **OUGHT TO PASS**

Rep. Benjamin E. Parker for Ways and Means: The committee considered that portion of the bill related to a \$25 fee for requests for environmental reviews by the Natural Heritage Inventory Program and a fee not to exceed \$25 to offset the program's cost of providing publications and/or reports to the public. The amounts collected would be deposited in a non-lapsing fund for the purposes mentioned above. Estimated annual revenues through FY 2009 do not exceed \$30,000. The majority of the committee believed the fees appropriate and supported the self-funding of the program's cost of publications and/or reports. Vote 12-9.

Committee report adopted and ordered to third reading.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 20, 2005 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 623-FN, relative to licensing requirements in the insurance and financial services industries.

HB 257, relative to emergency medical and trauma service protocols and quality assurance program.

HB 59-FN-L, relative to municipal responsibility for septage disposal.

HB 78-FN-L, relative to state funding of regional vocational education centers.

HB 210-FN, relative to the determination of absence and return of contributions of members of the retirement system.

HB 216-FN, relative to the authority of the New Hampshire retirement system to purchase supplies and services.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefore.

HB 643-FN, establishing an integrated criminal justice information system.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

HB 687-FN, relative to free tuition at New Hampshire public institutions of higher education for children of veterans who die while on active duty or from a service-connected disability.

HB 302, relative to the mileage rate for service of documents by county sheriffs.

HB 313-FN, relative to registration of business entities.

HB 430-FN-A, establishing a one-day resident fishing license.

HB 477-FN, increasing registration fees for pesticides and commercial feeds.

HB 651-FN-L, relative to federal lien registration.

HB 25-FN-A, making appropriations for capital improvements.

HB 304-FN-A, relative to federal highway grant anticipation bonds.

HB 597-FN-A, relative to the natural heritage inventory program.

UNANIMOUS CONSENT

Reps. Dickinson and Paul Smith addressed the House.

REMARKS

Without objection, the Speaker ordered that the remarks of Rep. Paul C. Smith be printed in the Permanent Journal.

Rep. Paul Smith: Thank you, Mr. Speaker. Mr. Speaker, 34 years ago a gentleman, a Lieutenant Colonel in the United States Army from Pelham, New Hampshire was in a helicopter crash over Laos. Christmas of 2004, his remains were found. When I was in fifth grade, I went to Washington, DC and got this. This, as many of you know, is a POW-MIA bracelet. In keeping with tradition, I will break this in half and send it to the family members of Lieutenant Colonel Burnett who is today being buried in Arlington Cemetery. Thank you.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 11:00 a.m.

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 13

Wednesday, April 20, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend D. Melvin Burrowes, Pastor of the United Community Church in Canterbury.

Great God, Holy One, Creator of all that is, we begin our work here by turning to You. You have placed us in these positions of power and considerable responsibility to deliberate and decide on behalf of all the citizens of New Hampshire. We admit the limits of our own knowledge and understanding and we look to Your spirit for true wisdom and guidance. Keep us, O God, from the evils of self-righteousness and pride. Teach us Your ways of respect and consideration for the differences of others. In the words of Rev. David Cousins, "may we always put duty before pleasure, principle before popularity, goodness before greatness, and humanity before money."

We thank You, Creator God, for this state which You have entrusted to our care. Thank You for the natural beauty and the economic opportunity that has drawn us here. Make us faithful stewards of the resources and people for which You have made us responsible.

As Your prophets remind us over and over, Great God, we promise to You that we will consider always the needs of the poor, the sick, and the downtrodden in every part of New Hampshire. Give us courageous souls for justice and fairness in all our decisions. As we seek Your guidance, God, enable us this day to make small, but significant steps that will bring closer Your true rule on earth; as it is in heaven. Amen.

Reps. Stephen A. Baines and Joseph E. Stone led the Pledge of Allegiance.

The National Anthem was sung by Shantel Woodson, senior at Nashua High School South and member of the Career and Technical Student Organization.

LEAVES OF ABSENCE

Reps. Alger, Brueggemann, Peter Cote, Jillette, Lessard, Palangas, Palazzo, Philbrick, Snyder and Stevens, the day, illness.

Reps. Barker, Dorsett, Doyle, Fitzgerald, Giuda, Introne, Kelly, Lawrence, Lund and Rush, the day, important business.

Rep. David Cote, the day, illness in the family.

Rep. Pepino, the day, death in the family.

INTRODUCTION OF GUESTS

Michele Woodson and Lynda Demers, mother and CTSO teacher of the day's singer, guests of the House. Brian and Richard Joseph Stone, son and grandson of Rep. Stone. Steve and Dan Huntington, guests of Rep. McLeod. Michael Flathers, guest of Rep. Manning.

SENATE MESSAGES

CONCURRENCE

HB 41, relative to the right-to-know oversight commission.

HB 74, relative to the sale of permissible fireworks.

HB 95, relative to delegates to state party conventions.

HB 107, relative to the use of artificial light to view moose in Coos County.

HB 150, defining truancy.

HB 181, establishing a committee to study the special account in the New Hampshire retirement system.

HB 223, relative to the procedure for assignment of juvenile probation and parole officers.

HB 308, relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education.

HB 445, relative to the taking of certain game birds and fur-bearing animals.

HB 540-FN, relative to the disposal of real property purchased with highway or turnpike funds.

NONCONCURRENCE

HB 434-FN, requiring state agencies using automated answering systems to provide a method of access to a human being.

COMMUNICATION

April 6, 2005

Honorable W. Douglas Scamman, Jr.

Speaker of the House

Dear Mr. Speaker:

It is with deep regret that I must tender my resignation to the House of Representatives. Due to changes in my employment, I will need to move out of the state of New Hampshire. It has been an honor and a privilege to serve in the House and to represent the people of the city of Keene. It is my sincere hope that I will have the opportunity to serve the people of New Hampshire someday in the future. Until then, I thank you for your kindness and courtesy and wish you and all the members a fruitful and productive session.

Sincerely, Stephanie Sinclair, Cheshire District 3

MOTION TO VACATE

Rep. Bergin moved that the House vacate the reference of **SB 86**, permitting on-site samples and retail sales by liquor manufacturer licensees, **SB 209-FN**, relative to licensing of money transmitters and check cashers, and **SB 223-FN**, relative to licensing nondepository mortgage bankers and brokers, to the Committee on Executive Departments and Administration.

Motion adopted.

The Speaker referred **SB 86**, **SB 209-FN** and **SB 223-FN** to the Committee on Commerce.

REGULAR CALENDAR

HB 535-FN-A, increasing the tobacco tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for the Majority of Ways and Means: The amendment sets the tax per pack of cigarettes at 80 cents, an increase of 28 cents, the same amount as endorsed by the Governor and Speaker of the House. The amendment specifies that the first \$100 million dollars raised by the tobacco tax will be distributed as in the current formula, with 71.1 percent going to the General Fund and 28.9 percent going to the Education Trust Fund. All monies raised above \$100 million dollars will go to the Education Trust Fund. It is estimated that this increase will raise \$87 million dollars over the next two years and is the amount needed to fund the education funding bill recommended by the Finance Committee. Vote 17-5.

Rep. Sharon M. Carson for the Minority of Ways and Means: A minority of the committee had several objections to the passing of a 28 cent increase in the tobacco tax. A bipartisan minority believes this to be a regressive tax that disproportionately penalizes the poorest citizens of New Hampshire. Additionally, we believe the state will be sending a mixed message in that we want people to stop smoking for health reasons by funding smoke cessation programs while encouraging smoking because we need the revenue. The minority feels that our dependence on funding our education system with an unreliable and potentially declining revenue source is bad policy. Cross border sales will be affected by an increase in the tax and potentially affect other revenue sources such as business profits, rooms and meals, gasoline, beer and wine and employment opportunities. Most disturbing of all was that raising the tobacco tax was the only revenue source considered to fund the education funding bill recommended by the Finance Committee. Others in the minority wanted a higher tax to support the budget. At the 28 cent increase we are still way under Maine, and could easily raise more without losing revenue. At 28 cents, the message to our teens to stop smoking or never smoke is weak. The General Fund budget has been devastated by our loss of federal revenues, and we need to replace them in order to maintain minimal services. This tax is supported by the vast majority of our constituents, and part of the minority feels we need to use it at a higher level for the sake of our budget.

Majority Amendment (1090h)

Amend the bill by replacing all after the enacting clause with the following:

1 Tobacco Tax Increased. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of ~~[52-cents]~~ **\$.80** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

2 Distribution of Funds. RSA 78:32 is repealed and reenacted to read as follows:

78:32 Distribution of Funds.

I.(a) For the amount of annual revenue produced by the tax imposed by RSA 78:7 up to the amount of \$100,000,000, 71.1 percent shall be deposited in the general fund and 28.9 percent shall be deposited in the education trust fund established by RSA 198:39.

(b) Any annual revenue greater than \$100,000,000 raised by such tax shall be deposited in the education trust fund established by RSA 198:39.

II. The commissioner shall make quarterly estimates of the amount of revenues that will be produced and designated for the education trust fund under paragraph I for the next fiscal year and shall certify such amount to the state treasurer for deposit in the education trust fund established by RSA 198:39. Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

3 Applicability. Section 1 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2005 shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

4 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill increases the tobacco tax. Under this bill, the current distribution of tobacco tax revenue between the education trust fund and general fund is maintained for annual revenue produced by the tax up to \$100,000,000. Annual revenue produced by the tax greater than \$100,000,000 shall be deposited in the education trust fund.

Rep. Vaillancourt spoke against.

Rep. Jasper spoke in favor.

Majority amendment adopted.

(Deputy Speaker Weyler in the Chair)

Rep. Vaillancourt offered floor amendment (1161h).

Floor Amendment (1161h)

Amend the title of the bill by replacing it with the following:

AN ACT increasing the tobacco tax and changing the method of calculating the beer tax.

Amend the bill by replacing section 1 with the following:

1 Tobacco Tax Increased. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of ~~[52-cents]~~ **\$.74** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

Amend the bill by replacing section 4 with the following:

4 Beverage Fee. Amend RSA 178:26 to read as follows:

178:26 Additional Fees.

I. In addition to the annual license fees provided in this chapter, a fee ~~[of \$.30 for each gallon of]~~ **at the rate of 9 percent of the wholesale value of** beverage sold or transferred for retail sale or to the public shall be required for licenses issued to wholesale distributors, beverage manufacturers, and brew pubs; ~~provided, however, that if beverage container mandatory deposit legislation is enacted, such fee shall be \$.18 per gallon as of the effective date of such legislation. For failure to pay any part of the fees provided or under this section when due, 10 percent of such fees shall be added and collected by the commission from the licensee].~~ **Such fee shall be paid to the department of revenue administration as provided in paragraph III.**

~~[H. A sum of money from all sources of funds available to the department of transportation equivalent to 1/15 of all fees collected under paragraph I of this section shall be dedicated and used exclusively for the purpose of increased roadside litter removal for class I through class V highways; provided, however, that in the event beverage container mandatory deposit legislation is enacted, such amount shall cease to be so dedicated as of the effective date of such legislation.]~~

~~[H.]~~ **II.** Each wholesale distributor, beverage manufacturer, or brew pub shall on or before the tenth day of each month pay the ~~[license fees]~~ **fee** as provided by paragraph I covering sales or transfers made during the preceding calendar month. **For failure to pay any part of the fee provided for under this section when due, 10 percent of such fee shall be added and collected by the department from the licensee.**

III. *The names and information of licensees required to pay the fee under this section shall be provided by the commission to the department of revenue administration for the purpose of the administration of the fee.*

IV. *The commissioner of revenue administration shall adopt rules, under RSA 541-A, relative to:*

(a) The form and method of the payment of the fee required by this section.

(b) The administration of the fee required by this section.

(c) The recovery of any fee or penalties imposed pursuant to RSA 21-J.

5 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill increases the tobacco tax. Under this bill, the current distribution of tobacco tax revenue between the education trust fund and general fund is maintained for annual revenue produced by the tax up to \$100,000,000. Annual revenue produced by the tax greater than \$100,000,000 shall be deposited in the education trust fund.

The bill also changes the method of calculating the fee paid by wholesale distributors, beverage manufacturers, and brew pubs on beer sold or transferred for retail sale or to the public, and transfers the authority to collect and administer the beverage fee from the liquor commission to the department of revenue administration.

Rep. Vaillancourt spoke in favor.

Rep. Hinkle spoke against.

Rep. Hunt spoke against and yielded to questions.

On a division vote, 47 members having voted in the affirmative and 307 in the negative, floor amendment (1161h) failed.

Rep. Solomon offered floor amendment (1168h)

Floor Amendment (1168h)

Amend RSA 78:32, 1(a) as inserted by section 2 of the bill by replacing it with the following:

I.(a) For the amount of annual revenue produced by the tax imposed by RSA 78:7 up to the amount of \$100,000,000, the sum of \$3,000,000 shall be deposited in the tobacco use prevention fund established under RSA 126-K:15 and, of the remainder, 71.1 percent shall be deposited in the general fund and 28.9 percent shall be deposited in the education trust fund established by RSA 198:39.

Amend the bill by replacing section 4 with the following:

4 Tobacco Use Prevention Fund. Amend RSA 6:12, I(b)(67) to read as follows:

(67) Moneys received under RSA 126-K:15 **and RSA 78:32, 1(a)**, which shall be credited to the tobacco use prevention fund.

5 Tobacco Use Prevention Fund. Amend the introductory paragraph of RSA 126-K:15 to read as follows:

126-K:15 Tobacco Use Prevention Fund. There is hereby established in the office of the state treasurer a fund to be known as the tobacco use prevention fund. Of tobacco settlement funds received by the state of New Hampshire, \$3,000,000 annually, commencing with fiscal year 2001, shall be deposited in the tobacco use prevention fund. *The sum of \$3,000,000 from tobacco tax revenues shall be deposited annually in the fund, pursuant to RSA 78:32, I(a).* Moneys in this fund shall be nonlapsing and continually appropriated, beginning with fiscal year 2001, for tobacco use prevention and cessation programs, which shall include but not be limited to:

6 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill increases the tobacco tax. Under this bill, the current distribution of tobacco tax revenue between the education trust fund and general fund is maintained for annual revenue produced by the tax up to \$100,000,000, except that \$3,000,000 annually is designated for the tobacco use prevention fund. Annual revenue produced by the tax greater than \$100,000,000 shall be deposited in the education trust fund.

Rep. Solomon spoke in favor.

Rep. Solomon withdrew the floor amendment.

Rep. Mirski offered floor amendment (0718h)

Floor Amendment (0718h)

Amend the title of the bill by replacing it with the following:

AN ACT decreasing the tobacco tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Tobacco Tax Increased. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~52-cents~~] **\$.47** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

2 Applicability. Section 1 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2005 shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be refunded by the state. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

3 Revenue Estimates. The commissioner of revenue administration shall make quarterly estimates for fiscal years 2007 and 2008 of the amount of additional revenues which could be produced by incremental \$.05 reductions in the tobacco tax to a minimum tax of \$.05.

4 Effective Date. This act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill decreases the tobacco tax.

Rep. Major spoke against and yielded to questions.

Reps. Mirski and Buhlman spoke in favor.

Rep. O'Brien requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (0718h).

YEAS 78 NAYS 284

YEAS 78

BELKNAP

Allen, Janet
Veazey, John

Boyce, Laurie

Clark, Charles

Heald, Bruce

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

Ingbretson, Paul

Maybeck, Margie

Mirski, Paul

Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
 Bergeron, Jean-Guy
 Carew, James
 Desmarais, Vivian
 Gibson, John
 Hellwig, Steve
 McRae, Karen
 Rowe, Robert
 Villeneuve, Maurice

Allan, Nelson
 Biundo, Michael
 Carter, Mark
 Dyer, Donald
 Goyette, Peter Jr
 Hirschmann, Keith
 Mead, Robert
 Souza, Kathleen
 Wheeler, James

Baines, Stephen
 Boehm, Ralph
 Christiansen, Lars
 Elliott, Nancy
 Hansen, Ryan
 Holden, Randolph
 O'Brien, William
 Tahir, Saghir

Balboni, Michael
 Buhlman, David
 Clark, Mark
 Francoeur, Bea
 Hawkins, Ken
 Martin, Mary Ellen
 Renzullo, Andrew
 Ulery, Jordan

MERRIMACK

Field, William
 Oliver, James

Kennedy, Richard
 Soltani, Tony

Marple, Richard

Maxfield, Roy

ROCKINGHAM

Allen, Mary
 Bishop, Franklin
 Hutchinson, Karen
 McKinney, Betsy
 Quandt, Marshall Lee
 Wiley, Robert

Belanger, Ronald
 Cady, Harriet
 Itse, Daniel
 Morris, Richard
 Quandt, Matthew

Bettencourt, David
 Dumaine, Dudley
 Johnson, Rogers
 Nowe, Ronald
 Smith, Paul

Bicknell, Elbert
 Hopfgarten, Paul
 Manning, John
 Putnam, Ed II
 Welch, David

STRAFFORD

Albert, Russell
 Easson, Timothy

Bickford, David
 Hollinger, Jeffrey

Campbell, W Packy
 Newton, Clifford

Cataldo, Sam

SULLIVAN

Irish, Christopher

NAYS 284**BELKNAP**

Flanders, Donald
 Pilliod, James
 Tilton, Franklin

Millham, Alida
 Rosen, Ralph
 Tobin, William

Morrison, Gail
 Russell, David
 Wendelboe, Fran

Nedeau, Stephen
 Thomas, John
 Whalley, Michael

CARROLL

Ahlgren, Christopher
 Knox, J David
 Patten, Betsey

Brown, Carolyn
 Martin, James

Buco, Thomas
 McConkey, Mark

Chandler, Gene
 Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
 Dexter, Judson
 Espiefs, Peter
 Mitchell, Bonnie
 Richardson, Barbara
 Tilton, Anna

Butcher, Suzanne
 Dunn, J Timothy
 Foote, Sheila
 Parkhurst, Henry
 Roberts, Kris
 Weed, Charles

Butynski, William
 Eaton, Daniel
 Hogancamp, Deborah
 Plifka, Stanley Jr
 Robertson, Timothy

Chase, William
 Emerson, Susan
 Hunt, John
 Pratt, John
 Sawyer, Sheldon

COOS

Buzzell, Bernard
Merrick, Scott
Stohl, Eric

King, Frederick
Morneau, Renney
Theberge, Robert

Lary, Bruce
Remick, William
Tholl, John Jr

Mears, Edgar
Richardson, Herbert

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Nordgren, Sharon
Williams, Burton

Andersen, Gene
Eaton, Stephanie
McLeod, Martha
Sokol, Hilda

Benn, Bernard
Gionet, Edmond
Mulholland, Catherine
Solomon, Peter

Bleyler, Ruth
Hammond, Lee
Naro, Debra
Ward, John

HILLSBOROUGH

Aboshar, Jeffrey
Beaulieu, Jane
Calawa, Leon Jr
Chase, Claudia
Craig, James
Dokmo, Cynthia
Essex, David
Ginsburg, Ruth
Gorman, Mary
Harvey, Suzanne
Infantine, William
Johnson, Paula
Lefebvre, Roland
Michon, Stephen
Ober, Lynne
Reeves, Sandra
Ryder, Donald
Shaw, Kimberly
Sullivan, Francis
Wheeler, Robert

Baroody, Benjamin
Bergin, Peter
Campbell, David
Clayton, William
Crane, Elenore Casey
Drisko, Richard
Foster, Linda
Golding, William
Graham, John
Hebert, Raymond
Irwin, Anne-Marie
Kopka, Angeline
Manney, Pamela
Moran, Edward
Pappas, Christopher
Rochette, Eric
Scanlon, Michael
Slocum, Lee
Sullivan, Peter

Barry, J Gail
Brassard, Paul
Carlson, Donald
Clemons, Jane
Daniuk, Caitlin
Egbers, Fran
Gargasz, Carolyn
Goley, Jeffrey
Haley, Robert
Hinkle, Peyton
Jasper, Shawn
Kurk, Neal
Matarazzo, Anthony Sr
Movsesian, Lori
Pilotte, Maurice
Rosenwald, Cindy
Schulze, Joan
Smith, David
Vaillancourt, Steve

Batula, Peter
Brundige, Robert
Chabot, Robert
Coughlin, Pamela
DeVries, Betsi
Emerton, Larry
Garity, Patrick
Gonzalez, Carlos
Hall, Betty
Hunter, Bruce
Jean, Claudette
Lasky, Bette
Messier, Irene
O'Connell, Timothy
Price, Pamela
Ross, Lawrence
Shaw, Barbara
Stepanek, Stephen
Velez, Hector

MERRIMACK

Anderson, Eric
Curnier, David
French, Barbara
Hamm, Christine
L'Heureux, Stephen
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Whiting, Herbert

Blanchard, Elizabeth
Danforth, James
Gile, Mary
Hess, David
Langlais, Thomas
Osborne, Jessie
Reed, Dennis
Tupper, Frank
Williams, Robert

Bouchard, Candace
DeJoie, John
Greco, Vincent
Kidder, David
Lockwood, Priscilla
Owen, Derek
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Clarke, Claire
DeStefano, Stephen
Hager, Elizabeth
Klose, John
MacKay, James
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Casey, Kimberley
Dalrymple, Janeen
Dowling, Patricia
Forsing, Robert
Gillick, Thomas
Hughes, Daniel
Katsakiores, Phyllis
Mason, April
Norelli, Terie

Asselin, Michael
Cali-Pitts, Jacqueline
Charron, Gene
DiFruscia, Anthony
Fesh, Bob
Francoeur, Sheila
Gould, Kenneth
Ingram, Russell
Kobel, Rudolph
McMahon, Charles
O'Neil, Michael

Blanchard, MaryAnn
Camm, Kevin
Coburn, James
Dodge, Robert
Flanders, John Sr
Garritty, James
Griffin, Mary
Johnson, Robert
Langley, Jane
Moody, Marcia
Packard, Sherman

Bridle, Russell
Carson, Sharon
Cooney, Richard
Dowd, John
Flockhart, Eileen
Gilbert, Karl
Headd, James
Katsakiores, George
Major, Norman
Moore, Benjamin
Pantelakos, Laura

Parker, Benjamin
Robertson, Carl
Scamman, W Douglas
Stone, Joseph
Wells, Roger

Powers, James
Rolston, James
Serlin, Christopher
Waterhouse, Kevin
Winchell, George

Priestley, Anne
Sanders, Elisabeth
Splaine, James
Weare, E Albert
Zolla, William

Rausch, James
Scamman, Stella
Stiles, Nancy
Weldy, Norman

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Hilliard, Dana
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Jennifer
Chaplin, Duncan
Goodwin, Earle
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Twombly, James

Brown, Julie
Creteau, Irene
Grassie, Anne
Johnson, Nancy
Rollo, Michael
Spang, Judith
Wall, Janet

Brown, Lawrence
Domingo, Baldwin
Heon, Richard
Kaen, Naida
Rous, Emma
Taylor, Katherine

SULLIVAN

Cloutier, John
Franklin, Peter
Phinzy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Osgood, Philip Sr

and floor amendment (0718h) failed.

The question now being adoption of the majority committee report.

Reps. Bettencourt and Stephanie Eaton spoke against.

Rep. Jasper spoke in favor and yielded to questions.

Reps. Gibson and Buhlman spoke against and yielded to questions.

Reps. Christine Hamm and O'Neil spoke in favor.

Rep. Buhlman requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 248 NAYS 119

YEAS 248

BELKNAP

Flanders, Donald
Rosen, Ralph

Millham, Alida
Russell, David

Morrison, Gail
Thomas, John

Nedeau, Stephen
Veazey, John

CARROLL

Ahlgren, Christopher
Chandler, Gene
Morrow, Harry

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Patten, Betsey

Buco, Thomas
McConkey, Mark

CHESHIRE

Allen, Peter
Dexter, Judson
Espieffs, Peter
Mitchell, Bonnie
Richardson, Barbara

Butcher, Suzanne
Dunn, J Timothy
Foote, Sheila
Parkhurst, Henry
Roberts, Kris

Butynski, William
Eaton, Daniel
Hogancamp, Deborah
Pliifka, Stanley Jr
Weed, Charles

Chase, William
Emerson, Susan
Hunt, John
Pratt, John

COOS

Buzzell, Bernard
Morneau, Renney
Theberge, Robert

King, Frederick
Remick, William
Tholl, John Jr

Lary, Bruce
Richardson, Herbert

Merrick, Scott
Stohl, Eric

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Sokol, Hilda

Andersen, Gene
Gionet, Edmond
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Hammond, Lee
Naro, Debra
Williams, Burton

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Aboshar, Jeffrey
 Brassard, Paul
 Carlson, Donald
 Clemons, Jane
 DeVries, Betsi
 Emerton, Larry
 Garrity, Patrick
 Graham, John
 Hinkle, Peyton
 Kopka, Angeline
 Lefebvre, Roland
 Messier, Irene
 O'Connell, Timothy
 Rochette, Eric
 Shaw, Barbara
 Sullivan, Peter

Baroody, Benjamin
 Brundige, Robert
 Chase, Claudia
 Craig, James
 Dokmo, Cynthia
 Essex, David
 Ginsburg, Ruth
 Haley, Robert
 Irwin, Anne-Marie
 Kurk, Neal
 Manney, Pamela
 Michon, Stephen
 Pappas, Christopher
 Rosenwald, Cindy
 Shaw, Kimberly
 Vaillancourt, Steve

Beaulieu, Jane
 Calawa, Leon Jr
 Christensen, D L Chris
 Daniuk, Caitlin
 Drisko, Richard
 Foster, Linda
 Golding, William
 Hall, Betty
 Jasper, Shawn
 L'Heureux, Robert
 Martin, Mary Ellen
 Moran, Edward
 Pilotte, Maurice
 Ross, Lawrence
 Smith, David
 Velez, Hector

Bergin, Peter
 Campbell, David
 Clayton, William
 Desmarais, Vivian
 Egbers, Fran
 Gargas, Carolyn
 Gonzalez, Carlos
 Harvey, Suzanne
 Jean, Claudette
 Lasky, Bette
 Matarazzo, Anthony Sr
 Movsesian, Lori
 Price, Pamela
 Schulze, Joan
 Sullivan, Francis
 Wheeler, Robert

MERRIMACK

Anderson, Eric
 Danforth, James
 Gile, Mary
 Hess, David
 MacKay, James
 Potter, Frances
 Shurtleff, Stephen
 Walz, Mary Beth

Blanchard, Elizabeth
 DeJoie, John
 Greco, Vincent
 Kidder, David
 McMahon, Patricia
 Reardon, Tara
 Tilton, Joy
 Whiting, Herbert

Bouchard, Candace
 DeStefano, Stephen
 Hager, Elizabeth
 L'Heureux, Stephen
 Osborne, Jessie
 Reed, Dennis
 Tupper, Frank
 Williams, Robert

Clarke, Claire
 French, Barbara
 Hamm, Christine
 Lockwood, Priscilla
 Owen, Derek
 Ryan, Jim
 Wallner, Mary Jane
 Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
 Buxton, Donald
 Coburn, James
 Dowd, John
 Forsing, Robert
 Gillick, Thomas
 Ingram, Russell
 Katsakiores, Phyllis
 McMahon, Charles
 Pantelakos, Laura
 Robertson, Carl
 Scamman, W Douglas
 Stone, Joseph
 Wells, Roger

Asselin, Michael
 Cali-Pitts, Jacqueline
 Cooney, Richard
 Dowling, Patricia
 Francoeur, Sheila
 Gould, Kenneth
 Johnson, Robert
 Langley, Jane
 Moody, Marcia
 Parker, Benjamin
 Rolston, James
 Serlin, Christopher
 Waterhouse, Kevin
 Winchell, George

Blanchard, MaryAnn
 Casey, Kimberley
 DiFruscia, Anthony
 Flanders, John Sr
 Garrity, James
 Griffin, Mary
 Johnson, Rogers
 Major, Norman
 Norelli, Terie
 Powers, James
 Sanders, Elisabeth
 Splaine, James
 Welch, David
 Zolla, William

Bridle, Russell
 Charron, Gene
 Dodge, Robert
 Flockhart, Eileen
 Gilbert, Karl
 Hughes, Daniel
 Katsakiores, George
 Mason, April
 O'Neil, Michael
 Rausch, James
 Scamman, Stella
 Stiles, Nancy
 Weldy, Norman

STRAFFORD

Berube, Roger
 Callaghan, Frank
 Domingo, Baldwin
 Hilliard, Dana
 Miller, Joseph
 Smith, Marjorie
 Wall, Janet

Brown, Jennifer
 Chaplin, Duncan
 Dunlap, Patricia
 Hofemann, Roland
 Rollo, Michael
 Spang, Judith

Brown, Julie
 Cilley, Jacalyn
 Goodwin, Earle
 Kaen, Naida
 Rous, Emma
 Taylor, Kathleen

Brown, Lawrence
 Creteau, Irene
 Grassie, Anne
 Knowles, William
 Schmidt, Peter
 Twombly, James

SULLIVAN

Cloutier, John
 Franklin, Peter
 Prichard, Stephen

Converse, Larry
 Gale, Harry

Donovan, Thomas
 Houde-Quimby, Charlotte

Ferland, Brenda
 Osgood, Philip Sr

NAYS 119**BELKNAP**

Allen, Janet
Tilton, Franklin

Boyce, Laurie
Tobin, William

Clark, Charles
Wendelboe, Fran

Heald, Bruce
Whalley, Michael

CARROLL

Dickinson, Howard

CHESHIRE

Robertson, Timothy

Sawyer, Sheldon

Tilton, Anna

COOS

Mears, Edgar

GRAFTON

Eaton, Stephanie
Sorg, Gregory

Ingbreton, Paul
Ward, John

Maybeck, Margie

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Barry, J Gail
Boehm, Ralph
Christiansen, Lars
Dyer, Donald
Goley, Jeffrey
Hansen, Ryan
Hirschmann, Keith
Johnson, Paula
O'Brien, William
Rowe, Robert
Souza, Kathleen
Villeneuve, Maurice

Allan, Nelson
Batula, Peter
Buhlman, David
Clark, Mark
Elliott, Nancy
Gorman, Mary
Hawkins, Ken
Holden, Randolph
McRae, Karen
Ober, Lynne
Ryder, Donald
Stepanek, Stephen
Wheeler, James

Baines, Stephen
Bergeron, Jean-Guy
Carew, James
Coughlin, Pamela
Francoeur, Bea
Goyette, Peter Jr
Hebert, Raymond
Hunter, Bruce
Mead, Robert
Reeves, Sandra
Scanlon, Michael
Tahir, Saghir

Balboni, Michael
Biundo, Michael
Carter, Mark
Crane, Elenore Casey
Gibson, John
Hagan, Barbara
Hellwig, Steve
Infantine, William
Mooney, Maureen
Renzullo, Andrew
Slocum, Lee
Ulery, Jordan

MERRIMACK

Currier, David
Langlais, Thomas
Soltani, Tony

Field, William
Marple, Richard

Kennedy, Richard
Maxfield, Roy

Klose, John
Oliver, James

ROCKINGHAM

Allen, Mary
Cady, Harriet
Donahue, Richard Ken
Hopfgarten, Paul
Manning, John
Nowe, Ronald
Quandt, Marshall Lee
Wiley, Robert

Belanger, Ronald
Camm, Kevin
Dumaine, Dudley
Hutchinson, Karen
McKinney, Betsy
Packard, Sherman
Quandt, Matthew

Bettencourt, David
Carson, Sharon
Fesh, Bob
Itse, Daniel
Moore, Benjamin
Priestley, Anne
Smith, Paul

Bicknell, Elbert
Dalrymple, Janeen
Headd, James
Kobel, Rudolph
Morris, Richard
Putnam, Ed II
Weare, E Albert

STRAFFORD

Albert, Russell
Easson, Timothy
Taylor, Katherine

Bickford, David
Heon, Richard

Campbell, W Packy
Hollinger, Jeffrey

Cataldo, Sam
Newton, Clifford

SULLIVAN

Irish, Christopher
and the majority committee report was adopted.
Ordered to third reading.

Phinizy, James

Rodeschin, Beverly

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. John M. Gibson, Hillsborough District 19, requested that his protest be entered on the Permanent Journal.

Today the House of Representatives approved a 50% increase in the tobacco tax. This increase of the tobacco tax is the beginning of the end of the New Hampshire Advantage because it targets cross border sales. Cross border sales of tobacco products account for nearly 50% of tobacco tax revenues and revenues received from the Master Settlement Agreement between the tobacco companies and the state.

The supporters of the tax hike have failed to recognize that people come to New Hampshire to buy tobacco products from as far away as New York and New Jersey, with the high price of gasoline in their home states, the New Hampshire savings may not be attractive enough and many state revenues will see a corresponding reduction with less cross border activity.

The rationale for this tax hike is to fund the education funding formula included in HB 616. This funding plan is unconstitutional and reduces state funding to the majority of the communities where the tobacco tax is raised from. This tax hike is unfair to say the least besides the fact it will harm working families through higher taxation.

The most insulting part of this tax increase is simply that so many in the leadership of this House failed to honor their promises. Senior Republican leadership in the House stated early in the season their opposition to any new taxes or tax increases, now to curry favor with the Democrat Governor, they have gone back on their word.

The tobacco tax today and tomorrow which tax will House leadership endorse to feed big government? The New Hampshire Advantage is in very grave danger and it is members of senior House leadership who are knowingly or unwittingly leading the charge to destroy the one thing our neighboring states envy, our tax advantage. I hope a future legislature will take up an active role in defending or re-creating what has come to be known as the New Hampshire Advantage.

(Speaker Scamman in the Chair)

REGULAR CALENDAR

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: The state budget as presented in HB 1 is an adequate budget for FY 2006 and FY 2007. The Finance Committee has worked long hours since the Governor's presentation on February 15 in order to assure the provision of basic state services within the revenues available as projected by the Ways and Means Committee. In order to meet deadlines for the introduction of HB 1, many cuts were made which the committee viewed as temporary. This amended version of the bill restores many, but not all, of those cuts. For instance, in the Department of Corrections, 50% of the original cuts have been restored. In this budget, we establish a positive working relationship with the Judicial branch and have adopted successfully a new, more detailed approach to budgeting for the courts. We also have provided lean but operative budgets for all the smaller state departments. In the huge Department of Health and Human Services we have accepted the more efficient of proposals for caring for the most needy. For instance, we have held nursing home appropriations down while we have conservatively increased home care budgets. We have provided enough money for the Division of Juvenile Justice to open the new Youth Development Center but have challenged them to do it with fewer funds. The Finance Committee urges your support for this document which keeps the state government in New Hampshire functioning well for the next two years. Vote 12-8.

Amendment (1157h)

This amendment was printed in its entirety in House Record No. 31, April 15, 2005 and is made part of the Journal by reference.

Rep. King spoke in favor.

Amendment adopted.

Rep. Hager offered floor amendment (1204h).

Floor Amendment (1204h)

Amend section 1 of the bill by making the following specified changes, and by changing subtotals and totals as hereinafter specified to reflect the specified changes.

01 GENERAL GOVERNMENT
 08 TREASURY DEPARTMENT
 06 LCHIP

Strike out
 90 LCHIP 2,500,000 2,500,000

Insert in place thereof
 90 LCHIP 5,000,000 5,000,000
 TOTAL 5,000,000 5,000,000

ESTIMATED SOURCE OF FUNDS FOR
 LCHIP

Strike out
 GENERAL FUND 2,500,000 2,500,000

Insert in place thereof
 GENERAL FUND 5,000,000 5,000,000
 TOTAL 5,000,000 5,000,000

05 HEALTH AND SOCIAL SERVICES
 01 DEPT OF HEALTH AND HUMAN SVCS
 02 OFF OF MEDICAID & BUSINESS POL
 01 OFF OF MEDICAID & BUSINESS POL
 05 PROVIDER PAYMENTS
 ESTIMATED SOURCE OF FUNDS FOR
 PROVIDER PAYMENTS

Strike out
 09 AGENCY INCOME I 2,776,688 2,857,870

Insert in place thereof
 09 AGENCY INCOME I 250,000 250,000

Strike out
 GENERAL FUND 169,563,060 168,022,097

Insert in place thereof
 GENERAL FUND 172,089,748 170,629,967
 TOTAL 353,447,426 346,623,823

05 HEALTH AND SOCIAL SERVICES
 01 DEPT OF HEALTH AND HUMAN SVCS
 09 BUREAU OF BEHAVIORAL HEALTH
 04 COMMTY MENTAL HEALTH SVCS
 01 COMMTY MENTAL HEALTH SVCS

Strike out
 40 INDIRECT COSTS 3,037 2,997

Insert in place thereof
 40 INDIRECT COSTS 4,338 4,498

Strike out
 41 AUDIT FUND SET ASIDE D 40,404 42,406

Insert in place thereof
 41 AUDIT FUND SET ASIDE D 41,905 43,908

Strike out
 91 FAMILY SUPPORT 14,646,389 15,280,713

Insert in place thereof
 91 FAMILY SUPPORT 15,101,389 15,805,713

Strike out
 92 CASE MANAGEMENT 9,960,845 10,393,086

Insert in place thereof
 92 CASE MANAGEMENT 10,285,845 10,768,086

Strike out
 93 EMERG INTAKE & HOSP SVCS 6,560,585 6,718,844

Insert in place thereof
 93 EMERG INTAKE & HOSP SVCS 6,794,585 6,988,844

Strike out			
94 COMMUNITY SUPPORT	28,581,538	29,869,068	
Insert in place thereof			
94 COMMUNITY SUPPORT	29,569,538	31,009,068	
Strike out			
95 HOUSING	19,912,381	21,548,358	
Insert in place thereof			
95 HOUSING	20,510,381	22,238,358	
TOTAL	85,663,729	90,319,821	
ESTIMATED SOURCE OF FUNDS FOR COMMTY MENTAL HEALTH SVCS			
Strike out			
00 FEDERAL FUNDS	40,604,318	42,406,405	
Insert in place thereof			
00 FEDERAL FUNDS	41,907,120	43,909,408	
Strike out			
GENERAL FUND	42,456,609	44,910,413	
Insert in place thereof			
GENERAL FUND	43,756,609	46,410,413	
TOTAL	85,663,729	90,319,821	
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
10 BUREAU OF DEVELOPMENT SERVICES			
01 DEVELOPMENTAL SERVICES			
Strike out			
41 AUDIT FUND SET ASIDE	D 72,953	77,955	
Insert in place thereof			
41 AUDIT FUND SET ASIDE	D 76,260	81,678	
Strike out			
91 CASE MANAGEMENT	9,997,998	10,400,265	
Insert in place thereof			
91 CASE MANAGEMENT	10,674,495	11,169,729	
Strike out			
92 DAY PROGRAMS	45,389,845	47,369,263	
Insert in place thereof			
92 DAY PROGRAMS	48,079,805	50,310,708	
Strike out			
94 FAMILY SUPPORT	2,360,297	2,502,871	
Insert in place thereof			
94 FAMILY SUPPORT	2,446,600	2,559,143	
Strike out			
95 COMMUNITY RESIDENCES	70,033,634	72,970,277	
Insert in place thereof			
95 COMMUNITY RESIDENCES	73,001,613	76,387,438	
Strike out			
96 CHRONICALLY ILL CHILDREN	602,363	630,072	
Insert in place thereof			
96 CHRONICALLY ILL CHILDREN	615,906	644,237	
Strike out			
97 ACQUIRED BRAIN DISORDER	11,332,284	11,858,376	
Insert in place thereof			
97 ACQUIRED BRAIN DISORDER	11,614,468	12,153,541	
Strike out			
98 ABD WAITLIST	617,035	1,262,454	
Insert in place thereof			
98 ABD WAITLIST	617,035	1,290,838	

Strike out

99 EARLY INTERVENTION	4,341,346	4,519,969
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Insert in place thereof

99 EARLY INTERVENTION	4,417,466	4,622,472
TOTAL	156,002,295	167,095,463

ESTIMATED SOURCE OF FUNDS FOR
DEVELOPMENTAL SERVICES

Strike out

00 FEDERAL FUNDS	73,010,934	78,082,168
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Insert in place thereof

00 FEDERAL FUNDS	76,319,540	81,805,865
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Strike out

GENERAL FUND	76,145,468	81,335,013
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Insert in place thereof

GENERAL FUND	79,632,755	85,239,598
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TOTAL	156,002,295	167,095,463
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Amend the bill by replacing all after section 20 with the following:

21 Revenue Estimates; 2005. General fund revenue estimates for fiscal year 2005 for the business enterprise tax, business profits tax, real estate transfer tax, and interest and dividends tax are hereby increased by \$4,000,000.

22 Estimates of Unrestricted Revenue:

GENERAL FUND

	<u>FY 2006</u>	<u>FY 2007</u>
Beer Tax	\$ 12,500,000	\$ 12,600,000
Board and Care Review	13,500,000	14,000,000
Business Profits Tax	230,750,000	247,300,000
Business Enterprise Tax	71,650,000	72,150,000
Estate and Legacy Tax	6,800,000	4,100,000
Insurance Tax	91,500,000	94,300,000
Securities Revenue	30,000,000	31,500,000
Interest and Dividends	66,900,000	70,800,000
Liquor Sales & Distribution	120,000,000	126,000,000
Meals and Rooms Tax	198,700,000	209,900,000
Dog Racing	1,400,000	1,400,000
Horse Racing	2,000,000	2,000,000
Real Estate Transfer Tax	112,650,000	121,050,000
Communications Tax	71,300,000	74,100,000
Tobacco Tax	71,100,000	71,100,000
Tobacco Settlement	2,000,000	2,000,000
Utility Consumption Tax	6,400,000	6,600,000
Court Fines and Fees	30,400,000	30,400,000
Other	<u>58,100,000</u>	<u>59,800,000</u>
Subtotal	1,197,200,000	1,251,100,000
Medicaid Enhancement Revenue	73,000,000	75,800,000
Medicaid Recovery - Long-Term Care	15,000,000	14,200,000
Medicaid Recovery - Regular Care	<u>1,950,000</u>	<u>1,850,000</u>
Total	\$ 1,287,150,000	\$ 1,342,950,000
<u>HIGHWAY FUND</u>	<u>FY 2006</u>	<u>FY 2007</u>
Gasoline Road Toll	\$ 132,000,000	\$ 134,200,000
Motor Vehicle Fees	87,200,000	93,900,000
Miscellaneous	<u>10,400,000</u>	<u>10,400,000</u>
Total	\$ 229,600,000	\$ 238,500,000
<u>FISH AND GAME FUND</u>	<u>FY 2006</u>	<u>FY 2007</u>
Fish and Game Licenses	\$ 8,300,000	\$ 8,300,000
Fines and Penalties	170,000	170,000
Miscellaneous Sales	375,000	375,000
Indirect Costs	<u>655,000</u>	<u>655,000</u>
Total	\$ 9,500,000	\$ 9,500,000

EDUCATION TRUST FUND

	<u>FY 2006</u>	<u>FY 2007</u>
Business Profits Tax	\$ 48,500,000	\$ 50,800,000
Business Enterprise Tax	137,900,000	144,800,000
Meals and Rooms Tax	7,100,000	7,200,000
Real Estate Transfer Tax	55,100,000	56,700,000
Tobacco Tax	72,400,000	72,400,000
Tobacco Settlement	40,000,000	40,000,000
Utility Property Tax	22,800,000	24,100,000
Transfer from Sweepstakes	<u>73,100,000</u>	<u>73,200,000</u>
Total	\$ 456,900,000	\$ 469,200,000

23 Effective Date. This act shall take effect July 1, 2005.

Reps. Major and Whalley spoke against and yielded to questions.

Rep. O'Neil spoke against.

Reps. Bergin, Pratt and Hager spoke in favor and yielded to questions.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1204h).

YEAS 183 NAYS 185

YEAS 183

BELKNAP

Millham, Alida	Morrison, Gail	Pilliod, James	Russell, David
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CARROLL

Buco, Thomas	Dickinson, Howard
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	

COOS

Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Theberge, Robert	Tholl, John Jr

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Campbell, David	Carter, Mark	Chase, Claudia
Clayton, William	Clemons, Jane	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Egbers, Fran
Essex, David	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Harvey, Suzanne	Hunter, Bruce	Irwin, Anne-Marie
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene
Michon, Stephen	Movsesian, Lori	O'Connell, Timothy	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Ryder, Donald	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Velez, Hector			

MERRIMACK

Blanchard, Elizabeth
DeStefano, Stephen
Hager, Elizabeth
Maxfield, Roy
Potter, Frances
Tilton, Joy
Whiting, Herbert

Bouchard, Candace
French, Barbara
Hamm, Christine
McMahon, Patricia
Reardon, Tara
Tupper, Frank
Williams, Robert

Clarke, Claire
Gile, Mary
Kennedy, Richard
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

DeJoie, John
Greco, Vincent
Kidder, David
Owen, Derek
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Charron, Gene
Hutchinson, Karen
Moody, Marcia
Robertson, Carl
Winchell, George

Blanchard, MaryAnn
Cooney, Richard
Johnson, Robert
Norelli, Terie
Serlin, Christopher

Cali-Pitts, Jacqueline
Flockhart, Eileen
Langley, Jane
Pantelakos, Laura
Splaine, James

Casey, Kimberley
Garrrity, James
Mason, April
Powers, James
Stiles, Nancy

STRAFFORD

Berube, Roger
Brown, Lawrence
Domingo, Baldwin
Heon, Richard
Kaen, Naida
Rollo, Michael
Spang, Judith

Bickford, David
Callaghan, Frank
Dunlap, Patricia
Hilliard, Dana
Keans, Sandra
Rous, Emma
Taylor, Katherine

Brown, Jennifer
Cilley, Jacalyn
Goodwin, Earle
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Phinizy, James

Ferland, Brenda
Prichard, Stephen

NAYS 185**BELKNAP**

Allen, Janet
Heald, Bruce
Tilton, Franklin
Whalley, Michael

Boyce, Laurie
Nedeau, Stephen
Tobin, William

Clark, Charles
Rosen, Ralph
Veazey, John

Flanders, Donald
Thomas, John
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Knox, J David
Olimpio, J Lisbeth

Babson, David Jr
Martin, James
Patten, Betsey

Brown, Carolyn
McConkey, Mark

Chandler, Gene
Morrow, Harry

CHESHIRE

Hogancamp, Deborah

Hunt, John

Pelkey, Stephen

Sawyer, Sheldon

COOS

King, Frederick

Morneau, Renney

Stohl, Eric

GRAFTON

Eaton, Stephanie
Sorg, Gregory

Gionet, Edmond
Ward, John

Ingbretson, Paul
Williams, Burton

Maybeck, Margie

HILLSBOROUGH

Aboshar, Jeffrey
Batula, Peter
Brundige, Robert

Adams, Jarvis IV
Bergeron, Jean-Guy
Buhlman, David

Balboni, Michael
Biundo, Michael
Calawa, Leon Jr

Barry, J Gail
Boehm, Ralph
Carew, James

Carlson, Donald
Clark, Mark
Dyer, Donald
Gibson, John
Graham, John
Hebert, Raymond
Holden, Randolph
L'Heureux, Robert
Moran, Edward
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, Steve

Chabot, Robert
Coughlin, Pamela
Elliott, Nancy
Golding, William
Hagan, Barbara
Hellwig, Steve
Infantine, William
McRae, Karen
O'Brien, William
Ross, Lawrence
Stepanek, Stephen
Villeneuve, Maurice

Christensen, D L Chris
Crane, Elenore Casey
Emerton, Larry
Gonzalez, Carlos
Hansen, Ryan
Hinkle, Peyton
Jasper, Shawn
Mead, Robert
Price, Pamela
Rowe, Robert
Tahir, Saghir
Wheeler, James

Christiansen, Lars
Drisko, Richard
Francoeur, Bea
Goyette, Peter Jr
Hawkins, Ken
Hirschmann, Keith
Kurk, Neal
Mooney, Maureen
Reeves, Sandra
Slocum, Lee
Ulery, Jordan
Wheeler, Robert

MERRIMACK

Anderson, Eric
Hess, David
Lockwood, Priscilla
Reed, Dennis

Currier, David
Klose, John
MacKay, James
Soltani, Tony

Danforth, James
L'Heureux, Stephen
Marple, Richard

Field, William
Langlais, Thomas
Oliver, James

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Cady, Harriet
Dalrymple, Janeen
Dowling, Patricia
Forsing, Robert
Gould, Kenneth
Hughes, Daniel
Katsakiores, George
Manning, John
Morris, Richard
Parker, Benjamin
Quandt, Matthew
Scamman, Stella
Weare, E Albert
Weyler, Kenneth

Asselin, Michael
Bishop, Franklin
Camm, Kevin
DiFruscia, Anthony
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
McKinney, Betsy
Nowe, Ronald
Priestley, Anne
Rausch, James
Smith, Paul
Welch, David
Wiley, Robert

Belanger, Ronald
Bridle, Russell
Carson, Sharon
Dodge, Robert
Fesh, Bob
Gilbert, Karl
Headd, James
Itse, Daniel
Kobel, Rudolph
McMahon, Charles
O'Neil, Michael
Putnam, Ed II
Rolston, James
Stone, Joseph
Weldy, Norman
Zolla, William

Bettencourt, David
Buxton, Donald
Coburn, James
Donahue, Richard Ken
Flanders, John Sr
Gillick, Thomas
Hopfgarten, Paul
Johnson, Rogers
Major, Norman
Moore, Benjamin
Packard, Sherman
Quandt, Marshall Lee
Sanders, Elisabeth
Waterhouse, Kevin
Wells, Roger

STRAFFORD

Albert, Russell
Easson, Timothy

Campbell, W Packy
Hollinger, Jeffrey

Cataldo, Sam
Newton, Clifford

Chaplin, Duncan
Twombly, James

SULLIVAN

Irish, Christopher
and floor amendment (1204h) failed.

Osgood, Philip Sr

Rodeschin, Beverly

Rep. Mirski declared a conflict of interest and did not participate.

The question now being adoption of the committee report.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 175 NAYS 196

YEAS 175

BELKNAP

Allen, Janet
Heald, Bruce
Rosen, Ralph
Tobin, William

Boyce, Laurie
Millham, Alida
Russell, David
Veazey, John

Clark, Charles
Neddeau, Stephen
Thomas, John
Wendelboe, Fran

Flanders, Donald
Pilliod, James
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	

CHESHIRE

Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		

COOS

King, Frederick	Morneau, Renney	Remick, William	Stohl, Eric
Tholl, John Jr			

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Mirski, Paul
Ward, John	Williams, Burton		

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Brundige, Robert
Calawa, Leon Jr	Carew, James	Carlson, Donald	Carter, Mark
Chabot, Robert	Christensen, D L Chris	Clark, Mark	Coughlin, Pamela
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Emerton, Larry	Francoeur, Bea	Gargas, Carolyn	Golding, William
Gonzalez, Carlos	Hansen, Ryan	Hinkle, Peyton	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Manney, Pamela
Mead, Robert	Mooney, Maureen	Moran, Edward	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Price, Pamela	Ross, Lawrence
Ryder, Donald	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	Hager, Elizabeth
Hess, David	Kidder, David	Klose, John	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	Reed, Dennis	Soltani, Tony	Whiting, Herbert

ROCKINGHAM

Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Buxton, Donald	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Dodge, Robert
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gillick, Thomas	Gould, Kenneth	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Major, Norman	Manning, John	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	O'Neil, Michael	Packard, Sherman
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Rolston, James
Scamman, Stella	Smith, Paul	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Welch, David	Weldy, Norman	Weyler, Kenneth
Wiley, Robert	Winchell, George	Zolla, William	

STRAFFORD

Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Dunlap, Patricia	Hollinger, Jeffrey	Newton, Clifford
Twombly, James			

SULLIVAN

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 196**BELKNAP**

Morrison, Gail

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter

Butcher, Suzanne

Butynski, William

Chase, William

Dunn, J Timothy

Eaton, Daniel

Espiefs, Peter

Hogancamp, Deborah

Mitchell, Bonnie

Parkhurst, Henry

Pliifka, Stanley Jr

Pratt, John

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Tilton, Anna

Weed, Charles

COOS

Buzzell, Bernard

Lary, Bruce

Mears, Edgar

Merrick, Scott

Richardson, Herbert

Theberge, Robert

GRAFTON

Almy, Susan

Andersen, Gene

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Hammond, Lee

Harding, A Laurie

Maybeck, Margie

McLeod, Martha

Mulholland, Catherine

Naro, Debra

Nordgren, Sharon

Sokol, Hilda

Solomon, Peter

Sorg, Gregory

HILLSBOROUGH

Allan, Nelson

Baroody, Benjamin

Barry, J Gail

Beaulieu, Jane

Boehm, Ralph

Brassard, Paul

Buhlman, David

Campbell, David

Chase, Claudia

Christiansen, Lars

Clayton, William

Clemons, Jane

Craig, James

Crane, Elenore Casey

Daniuk, Caitlin

DeVries, Betsi

Dyer, Donald

Egbers, Fran

Essex, David

Foster, Linda

Garrity, Patrick

Gibson, John

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Goyette, Peter Jr

Graham, John

Hagan, Barbara

Haley, Robert

Hall, Betty

Harvey, Suzanne

Hawkins, Ken

Hebert, Raymond

Hellwig, Steve

Hirschmann, Keith

Holden, Randolph

Hunter, Bruce

Irwin, Anne-Marie

Jean, Claudette

Johnson, Paula

Kopka, Angeline

Lasky, Bette

Martin, Mary Ellen

Matarazzo, Anthony Sr

McRae, Karen

Messier, Irene

Michon, Stephen

Movsesian, Lori

Pappas, Christopher

Pilotte, Maurice

Reeves, Sandra

Renzullo, Andrew

Rochette, Eric

Rosenwald, Cindy

Rowe, Robert

Scanlon, Michael

Schulze, Joan

Shaw, Barbara

Shaw, Kimberly

Smith, David

Sullivan, Francis

Sullivan, Peter

Tahir, Saghir

Velez, Hector

Villeneuve, Maurice

Wheeler, James

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Clarke, Claire

DeJoie, John

DeStefano, Stephen

Field, William

French, Barbara

Gile, Mary

Greco, Vincent

Hamm, Christine

Kennedy, Richard

McMahon, Patricia

Oliver, James

Osborne, Jessie

Owen, Derek

Potter, Frances

Reardon, Tara

Ryan, Jim

Shurtleff, Stephen

Tilton, Joy

Tupper, Frank

Wallner, Mary Jane

Walz, Mary Beth

Williams, Robert

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Allen, Mary

Belanger, Ronald

Bishop, Franklin

Blanchard, MaryAnn

Cady, Harriet

Cali-Pitts, Jacqueline

Camm, Kevin

Casey, Kimberley
Hutchinson, Karen
Morris, Richard
Parker, Benjamin
Robertson, Carl
Weare, E Albert

Flockhart, Eileen
Kobel, Rudolph
Norelli, Terie
Powers, James
Sanders, Elisabeth
Wells, Roger

Gilbert, Karl
Mason, April
Nowe, Ronald
Priestley, Anne
Serlin, Christopher

Griffin, Mary
Moody, Marcia
Pantelakos, Laura
Putnam, Ed II
Splaine, James

STRAFFORD

Berube, Roger
Callaghan, Frank
Easson, Timothy
Hilliard, Dana
Keans, Sandra
Rous, Emma
Taylor, Katherine

Brown, Jennifer
Cilley, Jacalyn
Goodwin, Earle
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Lawrence
Domingo, Baldwin
Heon, Richard
Kaen, Naida
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Phinizy, James

Ferland, Brenda
Prichard, Stephen

and the committee report failed.

Rep. Desmarais voted Yea and intended to vote Nay.

RECONSIDERATION

Having voted with the prevailing side, Rep. Easson moved that the House reconsider its action whereby it failed to adopt the committee report on *HB 1-A*, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the motion to reconsider.

YEAS 200 NAYS 171

YEAS 200

BELKNAP

Allen, Janet
Heald, Bruce
Rosen, Ralph
Tobin, William

Boyce, Laurie
Millham, Alida
Russell, David
Veazey, John

Clark, Charles
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Flanders, Donald
Pilliod, James
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Knox, J David
Patten, Betsey

Babson, David Jr
Martin, James

Brown, Carolyn
Merrow, Harry

Chandler, Gene
Olimpio, J Lisbeth

CHESHIRE

Dexter, Judson
Hunt, John

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

GRAFTON

Eaton, Stephanie
Ward, John

Gionet, Edmond
Williams, Burton

Mirski, Paul

Naro, Debra

HILLSBOROUGH

Aboshar, Jeffrey
Barry, J Gail
Biundo, Michael
Carew, James

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Carlson, Donald

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark

Balboni, Michael
Bergin, Peter
Calawa, Leon Jr
Chabot, Robert

Christensen, D L Chris
Desmarais, Vivian
Emerton, Larry
Gonzalez, Carlos
Hansen, Ryan
Jasper, Shawn
Mead, Robert
O'Connell, Timothy
Renzullo, Andrew
Slocum, Lee
Vaillancourt, Steve

Christiansen, Lars
Dokmo, Cynthia
Francoeur, Bea
Graham, John
Hebert, Raymond
Kurk, Neal
Mooney, Maureen
Ober, Lynne
Ross, Lawrence
Souza, Kathleen
Velez, Hector

Coughlin, Pamela
Drisko, Richard
Gargas, Carolyn
Hagan, Barbara
Hinkle, Peyton
L'Heureux, Robert
Moran, Edward
Price, Pamela
Ryder, Donald
Stepanek, Stephen
Wheeler, Robert

Crane, Elenore Casey
Elliott, Nancy
Golding, William
Hall, Betty
Infantine, William
Manney, Pamela
O'Brien, William
Reeves, Sandra
Scanlon, Michael
Ulery, Jordan

MERRIMACK

Anderson, Eric
Field, William
Klose, John
MacKay, James
Reed, Dennis

Blanchard, Elizabeth
Hager, Elizabeth
L'Heureux, Stephen
Marple, Richard
Soltani, Tony

Currier, David
Hess, David
Langlais, Thomas
Maxfield, Roy
Whiting, Herbert

Danforth, James
Kidder, David
Lockwood, Priscilla
Oliver, James

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Camm, Kevin
Cooney, Richard
Donahue, Richard Ken
Fesh, Bob
Garrity, James
Griffin, Mary
Itse, Daniel
Katsakiores, Phyllis
Mason, April
O'Neil, Michael
Quandt, Matthew
Sanders, Elisabeth
Stone, Joseph
Weldy, Norman
Zolla, William

Asselin, Michael
Bridle, Russell
Carson, Sharon
Dalrymple, Janeen
Dowd, John
Flanders, John Sr
Gilbert, Karl
Headd, James
Johnson, Robert
Langley, Jane
McKinney, Betsy
Packard, Sherman
Rausch, James
Scamman, Stella
Waterhouse, Kevin
Weyler, Kenneth

Bettencourt, David
Buxton, Donald
Charron, Gene
DiFruscia, Anthony
Dowling, Patricia
Forsing, Robert
Gillick, Thomas
Hughes, Daniel
Johnson, Rogers
Major, Norman
McMahon, Charles
Priestley, Anne
Robertson, Carl
Smith, Paul
Weare, E Albert
Wiley, Robert

Bicknell, Elbert
Cady, Harriet
Coburn, James
Dodge, Robert
Dumaine, Dudley
Francoeur, Sheila
Gould, Kenneth
Ingram, Russell
Katsakiores, George
Manning, John
Moore, Benjamin
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Welch, David
Winchell, George

STRAFFORD

Albert, Russell
Dunlap, Patricia

Bickford, David
Easson, Timothy

Campbell, W Packy
Hollinger, Jeffrey

Cataldo, Sam
Twombly, James

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 171

BELKNAP

Morrison, Gail

Buco, Thomas

Dickinson, Howard

McConkey, Mark

CARROLL

Allen, Peter
Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris

Butcher, Suzanne
Eaton, Daniel
Plika, Stanley Jr
Robertson, Timothy

Butynski, William
Espiefs, Peter
Pratt, John
Tilton, Anna

Chase, William
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
Maybeck, Margie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Buhlman, David
Campbell, David	Chase, Claudia	Clark, Mark	Clayton, William
Clemons, Jane	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dyer, Donald	Egbers, Fran	Essex, David	Foster, Linda
Garrity, Patrick	Gibson, John	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Haley, Robert	Harvey, Suzanne
Hawkins, Ken	Hellwig, Steve	Hirschmann, Keith	Holden, Randolph
Hunter, Bruce	Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula
Kopka, Angelina	Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Messier, Irene	Michon, Stephen	Movesian, Lori
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Rowe, Robert	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Bouchard, Candace	Clarke, Claire	DeJoie, John	DeStefano, Stephen
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
Kennedy, Richard	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Cali-Pitts, Jacqueline
Casey, Kimberley	Flockhart, Eileen	Hopfgarten, Paul	Hutchinson, Karen
Kobel, Rudolph	Moody, Marcia	Morris, Richard	Norelli, Terie
Nowe, Ronald	Pantelakos, Laura	Parker, Benjamin	Powers, James
Putnam, Ed II	Serlin, Christopher	Splaine, James	Wells, Roger

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knoules, William	Miller, Joseph	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phiniza, James	Prichard, Stephen

and reconsideration prevailed.

RECONSIDERATION

Having voted with the prevailing side, Rep. W. Packy Campbell moved that the House reconsider its action whereby it failed to adopt floor amendment (1204h) to **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007.

Rep. Hager spoke against.

Rep. Wallner spoke in favor.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the motion to reconsider floor amendment (1204h).

YEAS 172 NAYS 199**YEAS 172****BELKNAP**

Morrison, Gail	Pilliod, James	Russell, David
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CARROLL

Buco, Thomas	Dickinson, Howard	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Theberge, Robert	Tholl, John Jr

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul
Campbell, David	Carter, Mark	Chase, Claudia	Clayton, William
Clemons, Jane	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Egbers, Fran	Essex, David	Foster, Linda
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Harvey, Suzanne	Hunter, Bruce
Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula	Kopka, Angeline
Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Movsesian, Lori	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Velez, Hector

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Kennedy, Richard	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Bishop, Franklin	Blanchard, MaryAnn	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Casey, Kimberly	Cooney, Richard
DiFruscia, Anthony	Flockhart, Eileen	Garrity, James	Hutchinson, Karen
Langley, Jane	Mason, April	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Robertson, Carl	Serlin, Christopher
Splaine, James	Winchell, George		

STRAFFORD

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Campbell, W Packy	Cilley, Jacalyn

Creteau, Irene
Heon, Richard
Kaen, Naida
Rollo, Michael
Spang, Judith

Domingo, Baldwin
Hilliard, Dana
Keans, Sandra
Rous, Emma
Taylor, Katherine

Goodwin, Earle
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Phinizz, James

Ferland, Brenda
Prichard, Stephen

NAYS 199

BELKNAP

Allen, Janet
Heald, Bruce
Thomas, John
Wendelboe, Fran

Boyce, Laurie
Millham, Alida
Tilton, Franklin
Whalley, Michael

Clark, Charles
Nedeau, Stephen
Tobin, William

Flanders, Donald
Rosen, Ralph
Veazey, John

CARROLL

Ahlgren, Christopher
Knox, J David
Patten, Betsey

Babson, David Jr
Martin, James

Brown, Carolyn
McConkey, Mark

Chandler, Gene
Morrow, Harry

CHESHIRE

Dexter, Judson
Hunt, John

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

COOS

King, Frederick

Morneau, Renney

Stohl, Eric

GRAFTON

Eaton, Stephanie
Sorg, Gregory

Gionet, Edmond
Ward, John

Ingbretson, Paul
Williams, Burton

Maybeck, Margie

HILLSBOROUGH

Aboshar, Jeffrey
Batula, Peter
Boehm, Ralph
Carew, James
Christiansen, Lars
Dokmo, Cynthia
Emerton, Larry
Golding, William
Hagan, Barbara
Hellwig, Steve
Infantine, William
Manney, Pamela
Moran, Edward
Reeves, Sandra
Ryder, Donald
Tahir, Saghir
Wheeler, James

Adams, Jarvis IV
Bergeron, Jean-Guy
Brundige, Robert
Carlson, Donald
Clark, Mark
Drisko, Richard
Francoeur, Bea
Gonzalez, Carlos
Hansen, Ryan
Hinkle, Payton
Jasper, Shawn
McRae, Karen
O'Brien, William
Renzullo, Andrew
Slocum, Lee
Ulery, Jordan
Wheeler, Robert

Balboni, Michael
Bergin, Peter
Buhlman, David
Chabot, Robert
Coughlin, Pamela
Dyer, Donald
Gargasz, Carolyn
Goyette, Peter Jr
Hawkins, Ken
Hirschmann, Keith
Kurk, Neal
Mead, Robert
O'Connell, Timothy
Ross, Lawrence
Souza, Kathleen
Vaillancourt, Steve

Barry, J Gail
Biundo, Michael
Calawa, Leon Jr
Christensen, D L Chris
Crane, Elenore Casey
Elliott, Nancy
Gibson, John
Graham, John
Hebert, Raymond
Holden, Randolph
L'Heureux, Robert
Mooney, Maureen
Price, Pamela
Rowe, Robert
Stepanek, Stephen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Hager, Elizabeth
L'Heureux, Stephen
Marple, Richard
Soltani, Tony

Currier, David
Hess, David
Langlais, Thomas
Maxfield, Roy
Whiting, Herbert

Danforth, James
Kidder, David
Lockwood, Priscilla
Oliver, James

Field, William
Klose, John
MacKay, James
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Charron, Gene
Donahue, Richard Ken
Fesh, Bob
Gilbert, Karl
Headd, James
Itse, Daniel
Katsakiores, Phyllis
McKinney, Betsy
Nowe, Ronald
Priestley, Anne
Rausch, James
Smith, Paul
Weare, E Albert
Weyler, Kenneth

Asselin, Michael
Bridle, Russell
Coburn, James
Dowd, John
Flanders, John Sr
Gillick, Thomas
Hopfgarten, Paul
Johnson, Robert
Kobel, Rudolph
McMahon, Charles
O'Neil, Michael
Putnam, Ed II
Rolston, James
Stiles, Nancy
Welch, David
Wiley, Robert

Belanger, Ronald
Camm, Kevin
Dalrymple, Janeen
Dowling, Patricia
Forsing, Robert
Gould, Kenneth
Hughes, Daniel
Johnson, Rogers
Major, Norman
Moore, Benjamin
Packard, Sherman
Quandt, Marshall Lee
Sanders, Elisabeth
Stone, Joseph
Weldy, Norman
Zolla, William

Bettencourt, David
Carson, Sharon
Dodge, Robert
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, George
Manning, John
Morris, Richard
Parker, Benjamin
Quandt, Matthew
Scamman, Stella
Waterhouse, Kevin
Wells, Roger

STRAFFORD

Albert, Russell
Easson, Timothy

Cataldo, Sam
Hollinger, Jeffrey

Chaplin, Duncan
Newton, Clifford

Dunlap, Patricia
Twombly, James

SULLIVAN

Gale, Harry
and reconsideration of floor amendment (1204h) failed.
Rep. Mirski declared a conflict of interest and did not participate.
The question now being adoption of the committee report.
Rep. O'Neil spoke in favor.
Rep. James Wheeler requested a roll call; sufficiently seconded.
The question now being adoption of the committee report.

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

YEAS 207 NAYS 165**YEAS 207****BELKNAP**

Allen, Janet
Heald, Bruce
Rosen, Ralph
Tobin, William

Boyce, Laurie
Millham, Alida
Russell, David
Veazey, John

Clark, Charles
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Flanders, Donald
Pilliod, James
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Knox, J David
Olimpio, J Lisbeth

Babson, David Jr
Martin, James
Patten, Betsey

Brown, Carolyn
McConkey, Mark

Chandler, Gene
Morrow, Harry

CHESHIRE

Dexter, Judson
Hunt, John

Emerson, Susan
Pelkey, Stephen

Footte, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

COOS

King, Frederick
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Morneau, Renney

Remick, William

GRAFTON

Eaton, Stephanie
Ward, John

Gionet, Edmond
Williams, Burton

Ingretson, Paul

Mirski, Paul

HILLSBOROUGH

Aboshar, Jeffrey
Batula, Peter

Adams, Jarvis IV
Bergeron, Jean-Guy

Balboni, Michael
Bergin, Peter

Barry, J Gail
Biundo, Michael

Boehm, Ralph
 Carew, James
 Christensen, D L Chris
 Desmarais, Vivian
 Elliott, Nancy
 Golding, William
 Hansen, Ryan
 Kurk, Neal
 Mead, Robert
 O'Brien, William
 Reeves, Sandra
 Slocum, Lee
 Vaillancourt, Steve

Brundige, Robert
 Carlson, Donald
 Christiansen, Lars
 Dokmo, Cynthia
 Emerton, Larry
 Gonzalez, Carlos
 Hinkle, Peyton
 L'Heureux, Robert
 Messier, Irene
 O'Connell, Timothy
 Renzullo, Andrew
 Souza, Kathleen
 Velez, Hector

Buhlman, David
 Carter, Mark
 Clark, Mark
 Drisko, Richard
 Francoeur, Bea
 Graham, John
 Infantine, William
 Manney, Pamela
 Mooney, Maureen
 Ober, Lynne
 Ross, Lawrence
 Stepanek, Stephen
 Villeneuve, Maurice

Calawa, Leon Jr
 Chabot, Robert
 Coughlin, Pamela
 Dyer, Donald
 Gargas, Carolyn
 Hagan, Barbara
 Jasper, Shawn
 McRae, Karen
 Moran, Edward
 Price, Pamela
 Ryder, Donald
 Ulery, Jordan
 Wheeler, Robert

MERRIMACK

Anderson, Eric
 Hager, Elizabeth
 L'Heureux, Stephen
 Marple, Richard
 Soltani, Tony

Currier, David
 Hess, David
 Langlais, Thomas
 Maxfield, Roy
 Whiting, Herbert

Danforth, James
 Kidder, David
 Lockwood, Priscilla
 Oliver, James

Field, William
 Klose, John
 MacKay, James
 Reed, Dennis

ROCKINGHAM

Allen, Mary
 Bicknell, Elbert
 Cady, Harriet
 Coburn, James
 Dodge, Robert
 Dumaine, Dudley
 Francoeur, Sheila
 Gould, Kenneth
 Hughes, Daniel
 Johnson, Robert
 Kobel, Rudolph
 Mason, April
 Nowe, Ronald
 Quandt, Matthew
 Sanders, Elisabeth
 Stone, Joseph
 Weldy, Norman
 Winchell, George

Asselin, Michael
 Bishop, Franklin
 Camm, Kevin
 Cooney, Richard
 Donahue, Richard Ken
 Fesh, Bob
 Garrity, James
 Griffin, Mary
 Hutchinson, Karen
 Johnson, Rogers
 Langley, Jane
 McKinney, Betsy
 O'Neil, Michael
 Rausch, James
 Scamman, Stella
 Waterhouse, Kevin
 Wells, Roger
 Zolla, William

Belanger, Ronald
 Bridle, Russell
 Carson, Sharon
 Dalrymple, Janeen
 Dowd, John
 Flanders, John Sr
 Gilbert, Karl
 Headd, James
 Ingram, Russell
 Katsakiores, George
 Major, Norman
 McMahon, Charles
 Packard, Sherman
 Robertson, Carl
 Smith, Paul
 Weare, E Albert
 Weyler, Kenneth

Bettencourt, David
 Buxton, Donald
 Charron, Gene
 DiFruscia, Anthony
 Dowling, Patricia
 Forsing, Robert
 Gillick, Thomas
 Hopfgarten, Paul
 Itse, Daniel
 Katsakiores, Phyllis
 Manning, John
 Moore, Benjamin
 Quandt, Marshall Lee
 Rolston, James
 Stiles, Nancy
 Welch, David
 Wiley, Robert

STRAFFORD

Albert, Russell
 Chaplin, Duncan
 Newton, Clifford

Bickford, David
 Dunlap, Patricia
 Twombly, James

Campbell, W Packy
 Easson, Timothy

Cataldo, Sam
 Hollinger, Jeffrey

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

SULLIVAN

NAYS 165

BELKNAP

Morrison, Gail

CARROLL

Buco, Thomas

Dickinson, Howard

CHESHIRE

Allen, Peter
 Dunn, J Timothy
 Parkhurst, Henry
 Roberts, Kris

Butcher, Suzanne
 Eaton, Daniel
 Plifka, Stanley Jr
 Robertson, Timothy

Butynski, William
 Espiefs, Peter
 Pratt, John
 Tilton, Anna

Chase, William
 Mitchell, Bonnie
 Richardson, Barbara
 Weed, Charles

COOS

Buzzell, Bernard
Theberge, Robert

Mears, Edgar

Merrick, Scott

Richardson, Herbert

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Sokol, Hilda

Andersen, Gene
Hammond, Lee
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Harding, A Laurie
Naro, Debra
Sorg, Gregory

Bleyler, Ruth
Maybeck, Margie
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Campbell, David
Craig, James
Egbers, Fran
Gibson, John
Goyette, Peter Jr
Hawkins, Ken
Holden, Randolph
Johnson, Paula
Martin, Mary Ellen
Pappas, Christopher
Rowe, Robert
Shaw, Kimberly
Tahir, Saghir

Baroody, Benjamin
Chase, Claudia
Crane, Elenore Casey
Essex, David
Ginsburg, Ruth
Haley, Robert
Hebert, Raymond
Hunter, Bruce
Kopka, Angeline
Matarazzo, Anthony Sr
Pilotte, Maurice
Scanlon, Michael
Smith, David
Wheeler, James

Beaulieu, Jane
Clayton, William
Daniuk, Caitlin
Foster, Linda
Goley, Jeffrey
Hall, Betty
Helliwig, Steve
Irwin, Anne-Marie
Lasky, Bette
Michon, Stephen
Rochette, Eric
Schulze, Joan
Sullivan, Francis

Brassard, Paul
Clemons, Jane
DeVries, Betsi
Garrity, Patrick
Gorman, Mary
Harvey, Suzanne
Hirschmann, Keith
Jean, Claudette
Lefebvre, Roland
Movsesian, Lori
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth
DeStefano, Stephen
Hamm, Christine
Owen, Derek
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
French, Barbara
Kennedy, Richard
Potter, Frances
Tilton, Joy
Williams, Robert

Clarke, Claire
Gile, Mary
McMahon, Patricia
Reardon, Tara
Tupper, Frank
Yeaton, Charles

DeJoie, John
Greco, Vincent
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Flockhart, Eileen
Pantelakos, Laura
Putnam, Ed II

Blanchard, MaryAnn
Moody, Marcia
Parker, Benjamin
Serlin, Christopher

Cali-Pitts, Jacqueline
Morris, Richard
Powers, James
Splaine, James

Casey, Kimberley
Norelli, Terie
Priestley, Anne

STRAFFORD

Berube, Roger
Callaghan, Frank
Goodwin, Earle
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Julie
Creteau, Irene
Heon, Richard
Kaen, Naida
Rollo, Michael
Spang, Judith

Brown, Lawrence
Domingo, Baldwin
Hilliard, Dana
Keans, Sandra
Rous, Emma
Taylor, Katherine

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Phinizy, James

Ferland, Brenda
Prichard, Stephen

and the committee report was adopted.

Rep. Hagan voted Yea and intended to vote Nay.

Ordered to third reading.

INTRODUCTION OF SPECIAL GUESTS

A delegation of governmental and military representatives from Latvia, led by Mr. Dainis Turlais, visiting New Hampshire as part of the Partners for Peace program, guests of the House.

The House recessed at 1:15 p.m.

(Speaker Scamman in the Chair)

The House reconvened at 2:15 p.m.

REGULAR CALENDAR (CONT'D.)

HB 2-FN-A, relative to state fees, funds, revenue and expenditures. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: HB 2 contains the changes to the laws of the state of New Hampshire needed to support the state budget. It continues sections which we have adopted for several years now, such as the cap on county payments for nursing facilities, and it contains other sections needed to approve a balanced budget. Vote 19-2.

Amendment (1159h)

Amend the bill by replacing all after the enacting clause with the following:

1 Transfers Among Accounts; Office of Information Technology. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary, the office of information technology may, subject to the approval of the fiscal committee, transfer funds within and among all PAU's within said office as necessary for the efficient management of the office.

2 Lease Agreements. Notwithstanding RSA 6:35, for the biennium ending June 30, 2007, the department of fish and game, the department of transportation, and the department of regional community-technical colleges may enter into lease agreements for vehicles and equipment at the discretion of the agency head. In this section, "lease" includes a lease-purchase, sale and lease back, installment sale, or other similar agreement.

3 Local Highway Aid Fund Apportionment. Amend RSA 235:23, I to read as follows:

1. APPORTIONMENT A. In each fiscal year, the commissioner shall allocate an amount not less than 12% of the total road toll revenue and motor vehicle fees collected in the preceding fiscal year to a local highway aid fund. *Notwithstanding RSA 9:9-a, the commissioner shall calculate the allocation to the local highway aid fund prior to deducting collection and administrative costs.* This fund shall be distributed to each city, town, and unincorporated place on a formula in which $\frac{1}{2}$ of the amount is based on the proportion which the mileage of regularly maintained class IV and class V highways in each municipality, as of January 1 of the previous year, bears to the total of such mileage in the state; and $\frac{1}{2}$ of the amount is based on the proportion which the office of energy and planning population estimate of each municipality bears to the latest estimate of the total population of the state as of July 1 of the year of the estimate. The aid to be distributed under this paragraph shall be in addition to all other state and federal aid specifically authorized by statute.

4 Collection of Highway Fund Revenue; Reporting Requirement. Amend RSA 9:9-a to read as follows:

9:9-a Collection of Highway Fund Revenue; Reporting Requirement. Pursuant to part II, article 6-a of the New Hampshire constitution, any costs associated with the collection and administration of highway funds by the department of safety shall be deducted by the department before such funds are credited to the highway fund. On or before January 1, the department shall provide an annual accounting of such administration and collection costs to the president of the senate and the speaker of the house of representatives. *No current fiscal year collection or administration costs shall be expended until the previous year's collection cost report has been received.*

5 Town of Merrimack; Kindergarten. There is hereby appropriated the sum of \$275,000 for the biennium ending June 30, 2007, to the department of education for the support of the kindergarten program in the town of Merrimack. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Special Education Program of the Youth Services Center; Lapse to General Fund. Notwithstanding RSA 186-C:20, the balance of unexpended funds as of July 1, 2005, received by the department of health and human services under RSA 186-C:20 for the special education program of the youth services center, shall lapse to the general fund.

7 Department of Health and Human Services; Program Eligibility; Additional Revenues; Transfer Among Accounts.

1. For the biennium ending June 30, 2007, the department of health and human services shall not authorize, without prior approval of the fiscal committee of the general court and governor and council, any change to program eligibility standards or benefit levels that might be expected

to increase enrollment in the program or increase expenditures from any source of funds; provided, however, that no such prior approval shall be required if a change to a federal program in which the state is participating as of the effective date of this section is required by federal law.

II. Notwithstanding any provision of the law to the contrary, for the biennium ending June 30, 2007, the fiscal committee of the general court and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues in excess of \$100,000, that are in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following programs and services: provider payments, provider rate increases, and any other program or service that requires deficit reduction or for which revenue has been specifically obtained to improve program operations; provided, that such improvements do not increase eligibility standards or benefit levels.

III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2007 the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all PAUs within the department, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department.

8 Liquor Commission; Revenue. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2007, all gross revenue derived by the liquor commission from the sale of liquor, or from license fees, shall be deposited into the general funds of the state.

9 Disbursement of Tobacco Settlement Funds. Notwithstanding RSA 126-K:15, RSA 198:39, and 2000, 212, in each year of the biennium ending June 30, 2007, funds received from the tobacco settlement agreement shall be disbursed as follows:

I. The first \$1,000,000 to the tobacco use prevention fund, established in RSA 126-K:15.

II. The next \$40,000,000 to the education trust fund, established in RSA 198:39.

III. Any amount over \$41,000,000 shall be deposited as unrestricted revenue to the general fund.

10 Mental Health Low Utilizers and Prior Authorization; Bureau of Behavioral Health, Department of Health and Human Services. For the biennium ending June 30, 2007, the department of health and human services shall maintain a limit on benefits of \$4,000 per person per year for adults with low service utilization of community mental health services, as identified in HeM 401.07; provided, that the department also shall establish, by rule under RSA 541-A, a procedure for such persons or community mental health providers to request a waiver of the \$4,000 limit based on legitimate treatment considerations. The commissioner of the department of health and human services shall notify the commissioner of the department of administrative services, in writing, as to precisely which line item appropriations and in what specific amounts reductions are to be made in order to effect the reduction amounts. Upon request by the commissioner of the department of health and human services the fiscal committee of the general court may authorize a higher per person per year limit.

11 County Payments of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. Amend RSA 167:18-b, IV to read as follows:

IV. The total billings by all counties made pursuant to this section for persons who have been determined eligible to receive nursing facility services shall not exceed 50 percent of the nonfederal share of the combined long-term care medicaid spending for which the counties are obligated and in no instance shall the billings for the 12-month period of the state fiscal year, dated between July 1, 2004 and June 30, ~~2005~~ 2007 exceed:

(a) State fiscal year 2004 - \$60,000,000.

(b) State fiscal year 2005 - \$64,000,000.

(c) **State fiscal year 2006 - \$68,000,000.**

(d) State fiscal year 2007 - \$70,000,000.

12 County Payments of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments; Medicare Prescription Drug Benefit Included. Amend RSA 167:18-b, VI to read as follows:

VI. For purposes of this section all expenditures shall include all bills for which the county is liable for medicaid services, including but not limited to, payments for skilled nursing, hospital, physician and pharmaceutical services. *Pharmaceutical services shall include the Medicare Part D drug benefit, authorized by the Medicare Prescription Drug Improvement and Modernization Act of 2003, Public Law 108-173.*

13 Effective Date of Repeal Changed; Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. Amend 1998, 388:17, II, as amended by 2003, 223:8 and 2004, 260:8, to read as follows:

II. Paragraphs I and II of section 16 of this act shall take effect on July 1, [2005]2007.

14 New Paragraph; Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$100,000 From Any Non-State Source. Amend RSA 14:30-a by inserting after paragraph V the following new paragraph:

VI. Any non-state funds in excess of \$100,000, whether public or private, including refunds of expenditures, federal aid, local funds, gifts, bequests, grants, and funds from any other non-state source, which under state law require the approval of governor and council for acceptance and expenditure, may be accepted and expended by the proper persons or agencies in the state government only with the prior approval of the fiscal committee.

15 Fiscal Committee Approval Required for Expenditure of Federal Aid. Amend RSA 124:4 to read as follows:

124:4 Application for[-] and Administration of *Federal Aid*. Notwithstanding any other provision of law, the governor and council are hereby authorized to designate from time to time, as they may deem in the best interest of the state, the proper persons or agencies in the state government to take all necessary action to apply for, receive, and administer any federal benefits, facilities, grants-in-aid, or other federal appropriations or services made available to assist state activities, for which the state is, or may become eligible. *All such moneys in excess of \$100,000 made available, after designation by the governor and council, may be expended by the proper persons or agencies in the state government only with the prior approval of the joint legislative fiscal committee.* In addition to such other instruments, documents, and agreements as may be executed [~~hereunder~~] ~~under the authority of this section~~, such persons or agencies may [~~whenever the same shall be required as a condition to the receipt of such federal assistance~~, with the approval of the ~~governor and council~~] execute indemnification agreements, *with the approval of governor and council*, in the name of the state with and for the benefit of the United States *whenever such execution is required as a condition of receipt of such federal assistance.*

16 Health and Human Services; Local Medical Assistance; County Contribution. RSA 167:18-f is repealed and reenacted to read as follows:

167:18-f Local Medical Assistance Contribution. In addition to any other reimbursement required by law, each county shall, within 60 days from notice thereof, reimburse the public assistance fund at the rate of \$25 per month for each recipient of old age assistance and \$50 per month for each recipient of aid to the permanently and totally disabled for whom the county would be liable under the provisions of RSA 166, except that no reimbursement shall be required for any recipient for whom the county has an obligation under RSA 167:18-b.

17 New Chapter: Judicial Branch Family Division. Amend RSA by inserting after chapter 490-C the following new chapter:

CHAPTER 490-D

JUDICIAL BRANCH FAMILY DIVISION

490-D:1 Judicial Branch Family Division Established. The general court hereby organizes, constitutes, and establishes the judicial branch family division. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division court that is geographically accessible to the family.

490-D:2 Jurisdiction. Notwithstanding any law to the contrary and except for the limited need to allow an existing case to proceed with the same judge who had presided over it before the implementation of the judicial branch family division, following implementation of the division at a division site in accordance with RSA 490-D:5, jurisdiction over the following matters shall be exclusively exercised through the judicial branch family division as procedurally jurisdiction was previously exercised in the superior, district, and probate courts:

I. Petitions for divorce, nullity of marriage, alimony, custody of children, support, and to establish paternity.

II. Actions for support or custody for children of unwed parties.

III. Actions under RSA 169-B, relating to delinquent children except for concurrent jurisdiction with the district court to enter temporary detention orders under RSA 169-B:11, III and 169-B:12, IV(b).

IV. Actions under RSA 169-C, relating to abused and neglected children except for concurrent jurisdiction with the district court to enter orders under RSA 169-C:6, VI and RSA 169C:6-a.

V. Actions under RSA 169-D, relating to children in need of services except for concurrent jurisdiction with the district court to enter orders under RSA 169-D:8, I, RSA 169-D:9-a, and RSA 169-D:10.

VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district courts to enter temporary protective orders under RSA 173-B:4.

VII. The adoption of children in abuse and neglect cases pursuant to RSA 169-C, termination of parental rights cases pursuant to RSA 170-C, and guardianships of the person of minors pursuant to paragraph VIII. Jurisdiction over private, agency, and international adoptions shall remain with the probate court.

VIII. The guardianship of the person of minors. In cases involving the guardianship of both the person of a minor and the estate of the same minor, jurisdiction shall remain with the probate court.

IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490-D:3 Equity Jurisdiction. Notwithstanding any law to the contrary, the judicial branch family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the judicial branch family division. Suits in equity where subject matter jurisdiction lies with the judicial branch family division including, but not limited to, petitions for divorce, nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice of the judicial branch family division at any time, but nothing contained in this section shall be construed as limiting the power of the judicial branch family division to have issues of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings at common law.

490-D:4 Sites. The judicial branch family division shall operate at the following sites and such other sites as the supreme court, from time to time, determines, covering the following districts as delineated in RSA 502-A:1, except as otherwise indicated:

Grafton County

I. The courthouses in Grafton county which will house the judicial branch family division shall be the court facility in North Haverhill, the Plymouth District Court, the Littleton District Court, and the Lebanon District Court.

II.(a) Matters arising in municipalities located within the Haverhill district shall be heard in the court facility in North Haverhill.

(b) Matters arising in municipalities located within the Plymouth-Lincoln district shall be heard in the Plymouth District Court.

(c) Matters arising in municipalities located within the Littleton district shall be heard in the Littleton District Court.

(d) Matters arising in municipalities located within the Lebanon-Hanover district shall be heard in the Lebanon District Court.

Rockingham County

III. The courthouses in Rockingham county which will house the judicial branch family division shall be the court facility in Brentwood, the Portsmouth District Court, the Salem District Court, and the Derry District Court.

IV.(a) Matters arising in municipalities located within the Portsmouth district, the Hampton district, and the towns of Newfields, Newmarket, and Stratham shall be heard in the Portsmouth District Court.

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem District Court.

(c) Matters arising in municipalities located within the Auburn district (except for the towns of Deerfield, Northwood, Nottingham, and Raymond) and the Derry district shall be heard in the Derry District Court.

(d) Matters arising in municipalities located within the Exeter district (except for the towns of Newfields, Newmarket, and Stratham), the Plaistow district, and the towns of Deerfield, Northwood, Nottingham, and Raymond shall be heard in the court facility in Brentwood.

Coos County

V. The courthouses in Coos county which will house the judicial branch family division shall be the Colebrook District Court, the Berlin District Court, and the court facility in Lancaster.

VI.(a) Matters arising in municipalities located within the Colebrook district shall be heard in the Colebrook District Court.

(b) Matters arising in municipalities located within the Berlin-Gorham district shall be heard in the Berlin District Court.

(c) Matters arising in municipalities located within the Lancaster district shall be heard in the court facility in Lancaster.

Carroll County

VII. The courthouses in Carroll county which will house the judicial branch family division shall be the court facility in Ossipee and the District Court for northern Carroll County.

VIII.(a) Matters arising in municipalities located within the district for southern Carroll county shall be heard in the court facility in Ossipee.

(b) Matters arising in municipalities located within the district for northern Carroll county shall be heard in the District Court for northern Carroll County.

Sullivan County

IX. The courthouses in Sullivan county which will house the judicial branch family division shall be the Newport District Court and the Claremont District Court.

X.(a) Matters arising in municipalities located within the Newport district and the New London district in Merrimack county shall be heard in the Newport District Court.

(b) Matters arising in municipalities located within the Claremont district shall be heard in the Claremont District Court.

Strafford County

XI. The courthouses in Strafford county which will house the judicial branch family division shall be the Dover District Court and the Strafford county court facility in Dover.

XII.(a) Matters arising in municipalities located within the Dover-Somersworth-Durham district shall be heard in the Dover District Court.

(b) Matters arising in municipalities located within the Rochester district shall be heard in the Strafford county court facility in Dover.

Belknap County

XIII. The courthouse in Belknap county which will house the judicial branch family division shall be a facility located in Laconia, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XIV.(a) Matters arising in municipalities located within the Laconia district shall be heard in the judicial branch family division facility in Laconia.

(b) Matters arising in the towns of Sanbornton and Tilton shall be heard in the Franklin District Court in Merrimack county.

Hillsborough County

XV. The courthouses in Hillsborough county which will house the judicial branch family division shall be the Hillsborough County Superior Court for the northern judicial district, the Goffstown District Court, the Hillsborough County Superior Court for the southern judicial district, the Milford District Court, and the Merrimack District Court.

XVI.(a) Matters arising in municipalities located within the Manchester district shall be heard in the Hillsborough County Superior Court for the northern judicial district.

(b) Matters arising in municipalities located within the Goffstown district shall be heard in the Goffstown District Court.

(c) Matters arising in municipalities located within the Nashua district shall be heard in the Hillsborough County Superior Court for the southern judicial district.

(d) Matters arising in municipalities located within the Milford district shall be heard in the Milford District Court.

(e) Matters arising in municipalities located within the Merrimack district shall be heard in the Merrimack District Court.

(f) Matters arising in Hillsborough county municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court in Cheshire county.

(g) Matters arising in municipalities located within the Hillsborough district shall be heard in the Concord District Court in Merrimack county.

Merrimack County

XVII. The courthouses in Merrimack county which will house the judicial branch family division shall be the Franklin District Court, the Hooksett District Court, and a facility located in Concord, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XVIII.(a) Matters arising in municipalities located within the Franklin district shall be heard in the Franklin District Court.

(b) Matters arising in municipalities located within the Hooksett district shall be heard in the Hooksett District Court.

(c) Matters arising in municipalities located within the Concord district, the Henniker district, and the Hillsborough district shall be heard in the judicial branch family division facility in Concord.

(d) Matters arising in municipalities located within the New London district shall be heard in the Newport District Court in Sullivan county.

Cheshire County

XIX. The courthouses in Cheshire county which will house the judicial branch family division shall be the Jaffrey-Peterborough District Court and a facility located in Keene, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XX.(a) Matters arising in municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court

(b) Matters arising in municipalities located within the Keene district shall be heard in the judicial branch family division facility in Keene.

490-D:5 Implementation Plan. On the effective date of this chapter, the judicial branch family division shall be operational in Grafton and Rockingham counties. For the remaining counties, the judicial branch family division shall be made operational by order of the supreme court, generally in the order listed in RSA 490-D:4.

490-D:6 Judges and Marital Masters. The supreme court shall select and designate certain district and probate court judges as judicial branch family division judges and certain superior court marital masters as judicial branch family division marital masters. The designation of judges shall be based upon the judge's knowledge of, commitment to, and expertise in family law matters. The number of judicial branch family division judges and marital masters shall be based upon a review of anticipated caseload, population, judicial time and efficiency, available judicial resources, and other relevant criteria, including information from the weighted caseload system. When the judicial branch family division is fully implemented, all superior court marital masters shall be designated as judicial branch family division marital masters.

490-D:7 Nominations and Appointments of Marital Masters.

I. The administrative judge of the judicial branch family division shall recommend persons to the governor and council for initial appointment as marital masters. In recommending candidates for initial appointment as marital masters under this chapter, the division shall utilize the procedures and standards described in superior court rules in effect as of July 1, 2004, except as otherwise provided in this chapter.

II. For appointments of new marital masters, the administrative judge of the judicial branch family division shall submit to the governor the name of a nominee. The governor may accept the candidate nominated by the administrative judge and submit the candidate to the council for confirmation or may reject the candidate submitted by the administrative judge, and request a new nominee. If the council rejects a candidate for confirmation, the governor shall request a new nominee.

III. Marital masters shall serve an initial term of 3 years. Subsequent reappointments shall be made in accordance with judicial branch family division rules. During appointment terms, the authority and responsibility to conduct annual performance reviews, and termination, if necessary, shall be with the administrative judge of the judicial branch family division.

490-D:8 Qualifications of Marital Masters.**I. Marital masters shall possess the following qualifications:**

(a) Professional experience in family law matters.

(b) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of divorce and a willingness to deal with complex family matters in a non-adversarial manner.

II. Each marital master shall complete a course in court process and procedures and mediation and negotiation.

490-D:9 Recommendations of Marital Masters. All recommendations of marital masters shall be signed by a judge.

490-D:10 Referee. The judicial branch family division, with the consent of the parties shall, and without the consent of the parties may, commit to one or more referees any cause at law or in equity, or the determination of any question of fact pending in the court wherein the parties are not, as matter of right, entitled to a trial by jury; and with the consent of the parties shall so commit any other cause or the determination of any other question of fact.

490-D:11 Staff. The supreme court shall identify a mechanism by which to assign and transfer such existing staff in the superior, district, and probate courts as is necessary to operate the judicial branch family division. Where possible, staff performing functions related to the jurisdiction of the judicial branch family division shall be transferred into similar positions in the division. The number of judicial branch family division staff shall be based upon a review of anticipated caseload, population, available staff resources, and other relevant criteria, including information from any weighted caseload system.

490-D:12 Judicial Branch Family Division Clerks. The administrative judge of the judicial branch family division shall appoint a clerk with responsibility for each judicial branch family division site. In the interest of the effective administration of justice, any such clerk may have responsibility for one or more judicial branch family division sites. Judicial branch family division clerks shall have the same duties as clerks of the superior and district courts and as registers of probate with respect to the judicial branch family division jurisdiction which was previously within the superior, district, and probate courts. Judicial branch family division clerks shall hold office during the pleasure of the administrative judge of the judicial branch family division.

490-D:13 Alternative Dispute Resolution. In implementing the judicial branch family division, the supreme court shall utilize alternative dispute resolution to reduce the adversarial nature of proceedings involving families. RSA 458:15-a shall be applicable to cases in the judicial branch family division.

490-D:14 Statutory References. During the implementation of the judicial branch family division, references in statutes involving the jurisdiction of the division to the superior, district, or probate courts shall be deemed to include the judicial branch family division. Following the full implementation of the division, those references shall be deemed to be to the judicial branch family division where it has exclusive jurisdiction of a subject matter and to the superior, district, or probate court and the judicial branch family division where the judicial branch family division has concurrent jurisdiction with one or more of those courts.

18 Designation of Part-time District Court Justice as Full-time District Court Justice. Amend RSA 491-A:3, IV to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, *the needs of the judicial branch family division*, and other relevant criteria may request the governor and council to designate a sitting part-time justice as a full-time justice. The court may recommend certain justices; however, the governor and council shall not be bound by that recommendation. Upon designation, that justice shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time district court justice.

19 Designation of Part-time Probate Court Judge as Full-time Judge. RSA 491-A:4, IV is repealed and reenacted to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, the needs of the judicial branch family division, and other relevant criteria, may request the governor and council to designate a sitting part-time probate judge as a full-time judge. The court may recommend certain judges; however, the governor and council shall not be bound by that recommendation. Upon designation, that judge shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time probate judge.

20 New Paragraph; Venue; Notice; Optional Manner of Service of Petitions. Amend RSA 458:9 by inserting after paragraph II the following new paragraph:

II-a. In lieu of service as described in paragraph II, the court may, after issuing orders of notice, send notice to the respondent indicating that the petition has been filed and that the respondent or the respondent's attorney may accept service at the court within 10 days. If neither the respondent nor the attorney for the respondent accepts service at the court within 10 days as specified in the correspondence, the petition shall be forwarded to the petitioner for service in accordance with paragraph II.

21 Repeal. The following are repealed:

I. RSA 490:33 – 490:35, relative to the family division.

II. RSA 491:20-a – 491:20-c, relative to marital masters.

22 Federal Assistance Grant; Appropriation. Any sum received in the fiscal years ending June 30, 2006 or June 30, 2007 from the Federal Emergency Management Agency or Federal Highway Administration's Emergency Relief Program or any other federal program providing emergency assistance to the department of transportation to reimburse appropriate costs incurred for emergency response, including but not limited to equipment rental, snow plowing, sanding, salting, flood damage response, and personnel overtime during any emergency declared is reappropriated to the department of transportation, to be distributed to the bureaus that expended funds on the emergency, and shall be allocated 40 percent to class 20 expenditures and 60 percent to class 22 expenditures. The commissioner of the department of transportation shall report any such sums received to the fiscal committee of the general court and to the house and senate finance committees.

23 New Paragraph; Family Mutual Support Organizations; Definition Added. Amend RSA 126P:1 by inserting after paragraph II the following new paragraph:

II-a. "Family mutual support organization" means a nonprofit corporation that provides family mutual support services, as defined in paragraph III and further described in RSA 126-P:2, III and IV.

24 Department of Health and Human Services; Oversight Committee; Finance Members Added. Amend RSA 126-A:13, I to read as follows:

I. There shall be an oversight committee on health and human services consisting of 8 members as follows:

(a) 3 members of the senate, at least one of whom shall be a member of the senate ~~[public institutions]~~ health and human services committee **and one of whom shall be a member of the senate finance committee**, appointed by the president of the senate; and

(b) 5 members of the house ~~[appointed by the speaker of the house]~~ **of representatives, 4 of whom shall be from the health, human services and elderly affairs committee, and one of whom shall be from the house finance committee, appointed by the speaker of the house of representatives.**

25 Department of Health and Human Services; Community Mental Health Services Reporting Requirements Suspended; Fiscal Committee Approval Required.

I. Notwithstanding any other provision of law, effective January 1, 2006, any reporting requirement for community mental health services imposed by statute or rule shall be suspended. For purposes of this section, "reporting requirement" means the collection of information on a form submitted to the department of health and human services.

II. After January 1, 2006, any reporting requirement for community mental health services shall require the approval of the fiscal committee of the general court. The department of health and human services shall submit a detailed request to the fiscal committee of the general court relative to any reporting requirement for community mental health services. The request shall include:

(a) The statute on which the reporting requirement is based.

(b) Assurance that the amount of information to be collected is limited to the minimum amount necessary to meet the reporting requirement.

(c) The department's justification for why the collection of such information is essential.

(d) The department's determination that the benefit of collecting the information outweighs the cost of collection.

26 Land and Community Heritage Investment Program Administrative Fund; Interest Income; Date Change. Amend RSA 227-M:7-a, I to read as follows:

I. There is established in the office of the state treasurer a fund to be known as the land and community heritage investment program administrative fund into which the state treasurer shall credit any revenue generated pursuant to RSA 261:97-b, I-a. For the biennium ending June 30, ~~[2005]~~ 2007 there shall also be deposited, on a monthly basis, interest income generated on appropriations made to the land and community heritage investment program trust fund pursuant to RSA 227-M:7. The total revenues generated to the administrative fund from these 2 sources for each year of said biennium shall not exceed \$335,000.

27 Purpose. Sections 28-56 of this act are increases to current motor vehicle fines contained in the uniform fine schedule which, pursuant to RSA 502-A:19-b, V, may be changed only by statute. For the purposes of the increases in fines provided in this act, no penalty assessment shall be added to the increase in the fine if the statute containing the fine states that the penalty assessment is in addition to the specified fine amount.

28 Passenger Restraints; Fines. Amend RSA 265:107-a, III(a) and (b) to read as follows:

(a) ~~[\$25]~~ \$50 for a first offense.

(b) ~~[\$50]~~ \$100 for a second or subsequent offense.

29 New Paragraph; Coasting Fine Added. Amend RSA 265:99 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of this section shall be \$100.

30 New Paragraph; Driving on Divided Ways; Fine Added. Amend RSA 265:26 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of this section shall be \$150.

31 Approaching Vehicle; Fine Added. Amend RSA 265:17 to read as follows:

265:17 Approaching Vehicles.

I. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least 1/2 of the main-traveled portion of the roadway as nearly as possible.

II. The fine for a violation of this section shall be \$75.

32 New Paragraph; One-Way Roadways and Roadways and Rotary Traffic Islands; Fine Added. Amend RSA 265:23 by inserting after paragraph III the following new paragraph:

IV. The fine for a violation of this section shall be \$100.

33 Obedience to Police Officers; Fine Added. Amend RSA 265:3 to read as follows:

265:3 Obedience to Police Officers.

I. No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

II. The fine for a violation of this section shall be \$100.

34 New Section; Failure to Stop at Railroad Crossings; Fine. Amend RSA 265 by inserting after section 50 the following new section:

265:50-a Failure to Stop at Railroad Crossings; Fine. The fine for a violation of the provisions of RSA 265:49 or RSA 265:50 shall be \$100.

35 New Paragraph; Following Too Closely; Fine Added. Amend RSA 265:25 by inserting after paragraph III the following new paragraph:

IV. The fine for a violation of this section shall be \$100.

36 Limitations on Backing; Fine Added. Amend RSA 265:94 to read as follows:

265:94 Limitations on Backing.

I. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled access way.

II. The fine for a violation of this section shall be \$150.

37 New Paragraph; Driving of School Buses; Fine for Improper Operation. Amend RSA 265:57 by inserting after paragraph IV the following new paragraph:

V. The fine for a violation of this section shall be \$250.

38 Improper Use of Evidence of Registration or Title; Fine Added. Amend RSA 261:61 to read as follows:

261:61 Improper Use of Evidence of Registration or Title.

I. No person shall lend to another any certificate of title, registration certificate, number plate, temporary permit or other permit issued to him if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any registration certificate, number plate, or permit assigned by the director or authority of any other jurisdiction not issued to such vehicle or otherwise lawfully used under this chapter, or knowingly obscure or permit to be obscured the figures or letters on any number plate attached to any motor vehicle.

II. The fine for a violation of this section shall be \$150.

39 New Paragraph; Interference With Traffic Devices, Signs, or Signals; Fine Added. Amend RSA 265:15 by inserting after paragraph II the following new paragraph:

III. The fine for a violation of this section shall be \$150.

40 Misuse or Failure to Display Plates; Fine Added. Amend RSA 261:176 to read as follows:

261:176 Misuse or Failure to Display Plates.

I. Any person who knowingly attaches or permits to be attached to a vehicle a number plate assigned by the department, or authority of any other jurisdiction, to another vehicle or who knowingly obscures or permits to be obscured the figures or letters on any number plate attached to any vehicle or who knowingly and deliberately fails to display on a vehicle the number plates and the registration number duly issued therefor shall be guilty of a violation.

II. The fine for a violation of this section shall be \$150.

41 New Paragraph; Riding Upon Motorcycles; Fine Added. Amend RSA 265:120 by inserting after paragraph IV the following new paragraph:

V. Any person who violates the provisions of paragraph I, II, or III of this section shall be subject to a fine of \$75.

42 New Paragraph; Obstruction to Driver's View or Riding Mechanism; Fine Added. Amend RSA 265:95 by inserting after paragraph III the following new paragraph:

IV. Any person who violates the provisions of paragraph I, II, or III of this section shall be subject to a fine of \$75.

43 Transporting Alcoholic Beverages; Fine Added. Amend RSA 265:81, IV to read as follows:

IV. A person who violates this section shall be guilty of a violation ***and shall be subject to a fine of \$150.*** In addition, a person who violates paragraph II of this section may have his ***or her*** drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first offense and up to one year for a second or subsequent offense.

44 Motorcycle License; Operating Motorcycle Without; Fine. Amend RSA 263:30 to read as follows:

263:30 Motorcycle License.

I. No person to whom a driver's license of any class or category has been issued may drive any registered motorcycle unless he holds a special motorcycle license or endorsement or a motorcycle learner's permit. A person who holds a special motorcycle license or endorsement or a motorcycle learner's permit may drive any registered motorcycle without holding any other class of driver's license.

II. The fine for a violation of this section shall be \$100.

45 Classifications, Endorsements and Restrictions; Fine for Operating Without Correct Class of License Added. Amend RSA 263:92 to read as follows:

263:92 Classifications, Endorsements and Restrictions.

I. Notwithstanding any other provisions of this title, the commissioner may adopt rules under RSA 541-A to establish a commercial driver license classification system, including such endorsements and restrictions as are necessary, that incorporates the requirements of the federal government and of state law.

II. Any driver who operates a motor vehicle in violation of the provisions of the commercial driver license classification system shall be subject to a fine of \$100.

46 New Paragraphs; Basic Rule and Maximum Limits; Fines Added. Amend RSA 265:60 by inserting after paragraph IV the following new paragraphs:

V. The fines for violation of subparagraphs II(a)-(d) shall be as follows:

Miles per hour above the limit specified:

1-10	\$50
11-15	75
16-20	100
21-25	200
26+	Must appear (Minimum \$350)

VI. The fines for violations of subparagraph II(e) shall be as follows:

Miles above the 65 mph limit:

1-5	\$65
6-10	100
11-15	150
16-20	250
21-25	350
26+	Must appear

47 New Paragraph; Stop Signs; Yield Signs; Fines Added. Amend RSA 265:31 by inserting after paragraph III the following new paragraph:

IV. The fine for violation of this section shall be \$100.

48 Uninspected Motor Vehicle; Fines Added. Amend RSA 266:5 to read as follows:

266:5 Penalty for Failing to Obey Inspection Requirements. The driver or owner of any motor vehicle failing to comply with the requirements of the director relative to inspection shall be guilty of a violation, and the director may refuse to register, or may suspend or revoke the registration of, any motor vehicle, trailer or semi-trailer which has not been inspected as required or which is unsafe or unfit to be driven; provided, however, no person shall be charged with a violation of this section until a period of 10 days has elapsed from the date the inspection was due. This section shall not apply to those vehicles required to be inspected under the provisions of RSA 266:1, IV. *The fine for a violation of this section shall be \$60.*

49 Registration Required; Fines Added. Amend RSA 261:40 to read as follows:

261:40 Registration Required. Except as otherwise provided, it is a violation for any person to drive or any owner or custodian to knowingly permit or cause to be driven on the ways of this state any vehicle of a type required to be registered hereunder, unless the same has been registered and the appropriate fee paid in accordance with the provisions of this chapter. *The fine for a violation of this section shall be \$100.*

50 Fines Added. Amend RSA 265:22 to read as follows:

265:22 Highway Markings.

I. The commissioner of transportation and, subject to his approval, selectmen of any town or board of mayor and aldermen or group having similar powers in any city, having control of any highway may order such marking of ways, by painted lines, as is deemed necessary to the safe and efficient use of any such way. In ordering or approving such marking the commissioner of transportation insofar as is practicable shall conform to nationally accepted standards and any marking of the way by painted lines shall prima facie be deemed to be approved or ordered by the commissioner of transportation. When the single center line highway marking method is used, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way by order of or with the approval of the said commissioner, except as herein otherwise provided and when the barrier line highway marking system is employed, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way in such driver's lane by order of or with the approval of said commissioner except:

[F-](a) In an emergency; or

[H-](b) To permit ingress or egress to side roads or property adjacent to the highway; or

[H-](c) In case such driver has an unobstructed view and can see the end of the said unbroken painted line.

II. The fine for a violation of this section shall be \$100.

51 Unlawful Possession and Intoxication; Fines Increased. Amend RSA 179:10, I to read as follows:

I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his or her possession any liquor or alcoholic beverage, or who is intoxicated by consumption of an alco-

holic beverage, shall be guilty of a violation and shall be fined a minimum of ~~[\$250]~~ **\$300**. Any second and subsequent offense shall be fined at least ~~[\$500]~~ **\$600**. For purposes of this section, alcohol concentration as defined in RSA 259:3-b of .02 or more shall be prima facie evidence of intoxication. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. In addition to the penalties provided in this section, the court may, in its discretion, impose further penalties authorized by RSA 263:56-b.

52 Driving After Revocation or Suspension; Fines Established. Amend RSA 263:64, VII to read as follows:

VII. Except as provided in paragraphs IV, V-a, and VI, any person who violates the provisions of this section shall be guilty of a violation, *and shall be fined a minimum of \$250 for a first offense and \$500 for a second or subsequent offense.*

53 Reckless Driving; Minimum Penalty. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or causes a vehicle to be driven recklessly, as defined in RSA 626:2, II(c), or so that the lives or safety of the public shall be endangered, or upon a bet, wager, or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, guilty of a violation and fined not less than ~~[\$250]~~ **\$500 for the first offense and \$750 for the second offense** nor more than \$1,000 and his or her license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense.

54 Aggravated DWI; Fine Increased. Amend RSA 265:82-b, I(b)(2) to read as follows:

(2) Fined not less than ~~[\$500]~~ **\$750**;

55 DWI Second Offense; Fine Increased. Amend RSA 265:82-b, II(a)(2) to read as follows:

(2) The person shall be fined not less than ~~[\$500]~~ **\$750**.

56 New Paragraph; Controlled Drug Act; Penalties; Minimum Fines. Amend RSA 318-B:26 by inserting after paragraph XII the following new paragraph:

XIII. Any person who violates any provision of this chapter shall be fined a minimum of \$350 for a first offense and \$500 for a second or subsequent offense.

57 Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, any budget surplus for the close of the fiscal biennium ending June 30, 2005 shall not be deposited in the revenue stabilization reserve account but shall remain in the general fund.

58 Installation of E-Z Pass System. Notwithstanding any provision of law to the contrary, any charges or discounts established under the E-Z Pass system shall be set at a rate that is at least sufficient to offset all installation and operating expenses of the E-Z Pass system and amortization of turnpike system revenue bonds.

59 Tobacco Tax Increased. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of ~~[52-cents]~~ **\$.80** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

60 Applicability. Section 59 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2005 shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

61 Rehiring of Laid Off State Employees.

I. For purposes of this section, "laid off" means any person who receives written notice of the state's intent to lay him or her off or who has been laid off between July 1, 2005 and July 1, 2007, as a result of reorganization or downsizing of state government.

II. It is the intent of the general court that any position which becomes available in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state employee laid off, as defined in paragraph I, if such person is not currently employed by the state of New Hampshire and if he or she meets the minimum qualifications for the position.

III. Within 10 days of the effective date of this section, the head of each department or agency shall submit to the director of the division of personnel a list by name and classification of individuals laid off from July 1, 2005 as of the effective date of this section. Any additional layoffs or reductions shall be reported to the director of personnel as they occur.

IV. Any full-time state employee who was laid off as defined in this section, who before the lay-off was receiving state-paid medical benefits under the provisions of RSA 21-I:26-36, who is not eligible to retire and receive post-retirement medical benefits under the provisions of RSA 21-I:26-36 or RSA 100-A:52-55, and who is not eligible for employer-paid medical or health care coverage under the plan of any other employer, or as the spouse of a person covered under the plan of any other employer, or under the state plan as the spouse of a state employee, shall continue to receive such state-paid benefits, as if continuing in active employment, for a period not to exceed 6 months after the date of termination of state employment. For the first 3 months of this 6-month period, the state shall pay the full costs of continuing medical and health care coverage. For the latter 3 months of the 6-month period, the state shall pay $\frac{1}{2}$ the cost and the laid-off state employee shall pay $\frac{1}{2}$ the cost of continuing medical and health care coverage. This 6-month period shall be included in the calculation of the entitlements required under the Consolidated Omnibus Budget Reconciliation Act of 1986 and any amendments thereto.

62 Effective Date.

I. Paragraph II of section 21 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. Section 57 of this act shall take effect June 30, 2005.

III. The remainder of this act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill:

I. Authorizes the office of information technology to transfer funds within and among all PAU's within the office, with the approval of the fiscal committee, for the biennium ending June 30, 2007.

II. For the biennium ending June 30, 2007, allows the department of fish and game, the department of transportation, and the department of regional community-technical colleges to lease vehicles and equipment at the discretion of the agency head.

III. Directs the commissioner of transportation to allocate funds to the local highway aid fund prior to deducting collection and administrative costs, and prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

IV. Appropriates the sum of \$275,000, for the biennium ending June 30, 2007, to the department of education for the support of the kindergarten program in the town of Merrimack.

V. Lapses the balance of funds for special education at the youth services center to the general fund.

VI. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2007.

VII. Provides that, for the biennium ending June 30, 2007, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

VIII. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.

IX. Provides that, for the biennium ending June 30, 2007, revenue generated by the liquor commission shall be deposited in the general fund.

X. Provides that, for the biennium ending June 30, 2007, no New Hampshire tobacco settlement funds shall be deposited in the tobacco use prevention fund.

XI. Establishes a \$4,000 cap on community mental health services benefits available to persons identified as adults with low service utilization of such services, and requires the department to establish, by rule, a procedure to waive the financial cap.

XII. Extends the current funding formula relative to county nursing homes and proportionate share payments to July 1, 2007, and provides that, in calculating such expenditures, pharmaceutical services include the Medicare prescription drug benefit.

XIII. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$100,000 be approved by the joint legislative fiscal committee.

XIV. Increases the local medical assistance contribution from counties.

XV. Establishes the judicial branch family division.

XVI. Appropriates federal emergency assistance funds to the department of transportation.

XVII. Defines a family mutual support organization as a nonprofit corporation that provides certain assistance to families and individuals with mental illness.

XVIII. Requires that the oversight committee on health and human services include a member of the house finance committee and a member of the senate finance committee.

XIX. Suspends reporting requirements for community mental health services, absent subsequent approval of the fiscal committee of the general court.

XX. Provides that for the biennium ending June 30, 2007, interest income on appropriations to the land and community heritage investment program (LCHIP) fund shall be deposited in the LCHIP administrative fund.

XXI. Increases motor vehicle fines.

XXII. Provides that the budget surplus as of June 30, 2005 shall remain in the general fund.

XXIII. Provides that any charges or discounts under the E-Z Pass system shall be sufficient to offset the cost of the E-Z Pass system.

XXIV. Increases the tobacco tax.

XXV. Provides for the rehiring of laid off state employees for available state positions.

The question being adoption of the committee amendment.

On a division vote, 155 members having voted in the affirmative and 112 in the negative, the committee amendment was adopted.

Rep. Wendelboe offered floor amendment (1206h).

Floor Amendment (1206h)

Amend the bill by inserting after section 61 the following and renumbering the original section 62 to read as section 63.

61 Franklin Career Academy; Funding. Notwithstanding RSA 194-B:11 or any other provision of law, for the biennium ending June 30, 2007, the department of education shall pay tuition to the Franklin Career Academy, a charter school authorized under RSA 194-B:3-a, from funds otherwise appropriated in such biennium to the Franklin school district. The September 1, 2005 tuition payment shall include the entire tuition payment for the 2004-2005 school year and a prorated tuition payment for the 2005-2006 school year. The department of education shall make similar prorated tuition payments, on behalf of the Franklin school district, for the remainder of the biennium. Tuition shall be paid for those students attending Franklin Career Academy in the relevant school year who were also included in the Franklin school district's average daily membership in residence for 2004-2005 school year. Notwithstanding any other provision of law, for the biennium ending June 30, 2007, any appropriation of state funds to the Franklin school district shall be reduced by the amount of tuition due to the Franklin Career Academy under this section.

AMENDED ANALYSIS

This bill:

I. Authorizes the office of information technology to transfer funds within and among all PAU's within the office, with the approval of the fiscal committee, for the biennium ending June 30, 2007.

II. For the biennium ending June 30, 2007, allows the department of fish and game, the department of transportation, and the department of regional community-technical colleges to lease vehicles and equipment at the discretion of the agency head.

III. Directs the commissioner of transportation to allocate funds to the local highway aid fund prior to deducting collection and administrative costs, and prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

IV. Appropriates the sum of \$275,000, for the biennium ending June 30, 2007, to the department of education for the support of the kindergarten program in the town of Merrimack.

V. Lapses the balance of funds for special education at the youth services center to the general fund.

VI. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2007.

VII. Provides that, for the biennium ending June 30, 2007, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

VIII. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.

IX. Provides that, for the biennium ending June 30, 2007, revenue generated by the liquor commission shall be deposited in the general fund.

X. Provides that, for the biennium ending June 30, 2007, no New Hampshire tobacco settlement funds shall be deposited in the tobacco use prevention fund.

XI. Establishes a \$4,000 cap on community mental health services benefits available to persons identified as adults with low service utilization of such services, and requires the department to establish, by rule, a procedure to waive the financial cap.

XII. Extends the current funding formula relative to county nursing homes and proportionate share payments to July 1, 2007, and provides that, in calculating such expenditures, pharmaceutical services include the Medicare prescription drug benefit.

XIII. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$100,000 be approved by the joint legislative fiscal committee.

XIV. Increases the local medical assistance contribution from counties.

XV. Establishes the judicial branch family division.

XVI. Appropriates federal emergency assistance funds to the department of transportation.

XVII. Defines a family mutual support organization as a nonprofit corporation that provides certain assistance to families and individuals with mental illness.

XVIII. Requires that the oversight committee on health and human services include a member of the house finance committee and a member of the senate finance committee.

XIX. Suspends reporting requirements for community mental health services, absent subsequent approval of the fiscal committee of the general court.

XX. Provides that for the biennium ending June 30, 2007, interest income on appropriations to the land and community heritage investment program (LCHIP) fund shall be deposited in the LCHIP administrative fund.

XXI. Increases motor vehicle fines.

XXII. Provides that the budget surplus as of June 30, 2005 shall remain in the general fund.

XXIII. Provides that any charges or discounts under the E-Z Pass system shall be sufficient to offset the cost of the E-Z Pass system.

XXIV. Increases the tobacco tax.

XXV. Provides for the rehiring of laid off state employees for available state positions.

XXVI. Requires the state to pay the tuition due to the Franklin Career Academy and to reduce the amount of state aid to the Franklin school district by the amount paid to the Franklin Career Academy.

Rep. Wendelboe spoke in favor and yielded to questions.

Rep. Ryan spoke against.

Rep. Hagan spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Floor amendment (1206h) failed.

The question being adoption of the committee report.

On a division vote, 155 members having voted in the affirmative and 198 in the negative, the committee report failed.

RECONSIDERATION

Having voted with the prevailing side, Rep. Mirski moved that the House reconsider its action whereby it failed to pass **HB 2-FN-A**, relative to state fees, funds, revenue and expenditures.

Reps. Mirski, Vaillancourt and Soltani spoke in favor.

On a division vote, 213 members having voted in the affirmative and 150 in the negative, reconsideration prevailed.

MOTION TO SPECIAL ORDER

Rep. Mirski moved that **HB 2-FN-A**, relative to state fees, funds, revenue and expenditures, be made a Special Order to 3:45 p.m.

On a division vote, 169 members having voted in the affirmative and 191 in the negative, the motion to Special Order failed.

MOTION TO LAY ON THE TABLE

Rep. Mirski moved that **HB 2-FN-A**, relative to state fees, funds, revenue and expenditures, be laid on the table.

On a division vote, 112 members having voted in the affirmative and 249 in the negative, the motion failed.

The question now being adoption of the committee report.

Reps. Robert Wheeler and Weyler spoke in favor and yielded to questions.

Reps. Mirski and Soltani spoke in favor.

Rep. Vaillancourt offered floor amendment (1211h).

Floor Amendment (1211h)

Amend the bill by deleting sections 27-56 and renumbering the original sections 57-62 to read as 27-36, respectively.

Amend the bill by replacing section 30 with the following:

30 Applicability. Section 29 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2005 shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

Amend the bill by replacing section 32 with the following:

32 Effective Date.

I. Paragraph II of section 21 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. Section 27 of this act shall take effect June 30, 2005.

III. The remainder of this act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill:

I. Authorizes the office of information technology to transfer funds within and among all PAU's within the office, with the approval of the fiscal committee, for the biennium ending June 30, 2007.

II. For the biennium ending June 30, 2007, allows the department of fish and game, the department of transportation, and the department of regional community-technical colleges to lease vehicles and equipment at the discretion of the agency head.

III. Directs the commissioner of transportation to allocate funds to the local highway aid fund prior to deducting collection and administrative costs, and prohibits the department of safety from expending funds for collection and administration costs in the current fiscal year if the department has not yet filed the previous year's collection cost report.

IV. Appropriates the sum of \$275,000, for the biennium ending June 30, 2007, to the department of education for the support of the kindergarten program in the town of Merrimack.

V. Lapses the balance of funds for special education at the youth services center to the general fund.

VI. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2007.

VII. Provides that, for the biennium ending June 30, 2007, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.

VIII. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.

IX. Provides that, for the biennium ending June 30, 2007, \$1,000,000 of revenue generated by the liquor commission shall be deposited in the general fund.

X. Provides that, for the biennium ending June 30, 2007, no New Hampshire tobacco settlement funds shall be deposited in the tobacco use prevention fund.

XI. Establishes a \$4,000 cap on community mental health services benefits available to persons identified as adults with low service utilization of such services, and requires the department to establish, by rule, a procedure to waive the financial cap.

XII. Extends the current funding formula relative to county nursing homes and proportionate share payments to July 1, 2007, and provides that, in calculating such expenditures, pharmaceutical services include the Medicare prescription drug benefit.

XIII. Requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$100,000 be approved by the joint legislative fiscal committee.

XIV. Increases the local medical assistance contribution from counties.

XV. Establishes the judicial branch family division.

XVI. Appropriates federal emergency assistance funds to the department of transportation.

XVII. Defines a family mutual support organization as a nonprofit corporation that provides certain assistance to families and individuals with mental illness.

XVIII. Requires that the oversight committee on health and human services include a member of the house finance committee and a member of the senate finance committee.

XIX. Suspends reporting requirements for community mental health services, absent subsequent approval of the fiscal committee of the general court.

XX. Provides that for the biennium ending June 30, 2007, interest income on appropriations to the land and community heritage investment program (LCHIP) fund shall be deposited in the LCHIP administrative fund.

XXI. Provides that the budget surplus as of June 30, 2005 shall remain in the general fund.

XXII. Provides that any charges or discounts under the E-Z Pass system shall be sufficient to offset the cost of the E-Z Pass system.

XXIII. Increases the tobacco tax.

XXIV. Provides for the rehiring of laid off state employees for available state positions.

Reps. Jasper and Soltani spoke against.

Reps. Vaillancourt and Kennedy spoke in favor.

Rep. Biundo requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1211h).

YEAS 90 NAYS 276

YEAS 90

BELKNAP

Allen, Janet

Heald, Bruce

Rosen, Ralph

Tobin, William

CARROLL

Babson, David Jr

Dickinson, Howard

McConkey, Mark

Olimpio, J Lisbeth

CHESHIRE

Emerson, Susan

Pelkey, Stephen

Robertson, Timothy

COOS

Richardson, Herbert

GRAFTON

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Williams, Burton

Maybeck, Margie

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Boehm, Ralph
Dyer, Donald
Hall, Betty
Hinkle, Peyton

Allan, Nelson
Buhlman, David
Francoeur, Bea
Hansen, Ryan
Hirschmann, Keith

Balboni, Michael
Carter, Mark
Gibson, John
Hebert, Raymond
Holden, Randolph

Biundo, Michael
Crane, Elenore Casey
Goyette, Peter Jr
Hellwig, Steve
Hunter, Bruce

Martin, Mary Ellen
Renzullo, Andrew
Sullivan, Peter

Mead, Robert
Scanlon, Michael
Tahir, Saghir

Messier, Irene
Slocum, Lee
Vaillancourt, Steve

O'Brien, William
Souza, Kathleen
Wheeler, James

MERRIMACK

Currier, David

Hamm, Christine

Kennedy, Richard

Marple, Richard

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Dumaine, Dudley
Gilbert, Karl
Johnson, Robert
Nowe, Ronald
Smith, Paul

Allen, Mary
Cady, Harriet
Fesh, Bob
Hopfgarten, Paul
Johnson, Rogers
Packard, Sherman
Weare, E Albert

Belanger, Ronald
Camm, Kevin
Forsing, Robert
Ingram, Russell
Kobel, Rudolph
Parker, Benjamin
Welch, David

Bicknell, Elbert
DiFruscia, Anthony
Garrity, James
Itse, Daniel
Morris, Richard
Putnam, Ed II
Winchell, George

STRAFFORD

Bickford, David
Hollinger, Jeffrey

Campbell, W Packy
Kaen, Naida

Cataldo, Sam

Easson, Timothy

SULLIVAN

Gale, Harry

Irish, Christopher

NAYS 276

BELKNAP

Boyce, Laurie
Morrison, Gail
Thomas, John
Whalley, Michael

Clark, Charles
Nedeau, Stephen
Tilton, Franklin

Flanders, Donald
Pilliod, James
Veazey, John

Millham, Alida
Russell, David
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Knox, J David

Brown, Carolyn
Martin, James

Buco, Thomas
Merrow, Harry

Chandler, Gene
Patten, Betsey

CESHIRE

Allen, Peter
Dexter, Judson
Foote, Sheila
Parkhurst, Henry
Roberts, Kris

Butcher, Suzanne
Dunn, J Timothy
Hogancamp, Deborah
Plifka, Stanley Jr
Sawyer, Sheldon

Butynski, William
Eaton, Daniel
Hunt, John
Pratt, John
Tilton, Anna

Chase, William
Espiefs, Peter
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

COOS

Buzzell, Bernard
Merrick, Scott
Theberge, Robert

King, Frederick
Morneau, Renney
Tholl, John Jr

Lary, Bruce
Remick, William

Mears, Edgar
Stohl, Eric

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Nordgren, Sharon

Andersen, Gene
Eaton, Stephanie
McLeod, Martha
Sokol, Hilda

Benn, Bernard
Ham, Bonnie
Mulholland, Catherine
Solomon, Peter

Bleyler, Ruth
Hammond, Lee
Naro, Debra
Ward, John

HILLSBOROUGH

Aboshar, Jeffrey
Beaulieu, Jane
Brundige, Robert
Carlson, Donald
Christiansen, Lars
Coughlin, Pamela
DeVries, Betsi

Baroody, Benjamin
Bergeron, Jean-Guy
Calawa, Leon Jr
Chabot, Robert
Clark, Mark
Craig, James
Dokmo, Cynthia

Barry, J Gail
Bergin, Peter
Campbell, David
Chase, Claudia
Clayton, William
Daniuk, Caitlin
Drisko, Richard

Batula, Peter
Brassard, Paul
Carew, James
Christensen, D L Chris
Clemons, Jane
Desmarais, Vivian
Egbers, Fran

Elliott, Nancy
Gargas, Carolyn
Goley, Jeffrey
Haley, Robert
Jasper, Shawn
Kurk, Neal
Manney, Pamela
Mooney, Maureen
Ober, Lynne
Reeves, Sandra
Rowe, Robert
Shaw, Kimberly
Ulery, Jordan

Emerton, Larry
Garrity, Patrick
Gonzalez, Carlos
Harvey, Suzanne
Jean, Claudette
L'Heureux, Robert
Matarazzo, Anthony Sr
Moran, Edward
Pappas, Christopher
Rochette, Eric
Ryder, Donald
Smith, David
Velez, Hector

Essex, David
Ginsburg, Ruth
Gorman, Mary
Infantine, William
Johnson, Paula
Lasky, Bette
McRae, Karen
Movsesian, Lori
Pilote, Maurice
Rosenwald, Cindy
Schulze, Joan
Stepanek, Stephen
Villeneuve, Maurice

Foster, Linda
Golding, William
Graham, John
Irwin, Anne-Marie
Kopka, Angeline
Lefebvre, Roland
Michon, Stephen
O'Connell, Timothy
Price, Pamela
Ross, Lawrence
Shaw, Barbara
Sullivan, Francis
Wheeler, Robert

MERRIMACK

Anderson, Eric
Danforth, James
Foose, Robert
Hager, Elizabeth
L'Heureux, Stephen
Maxfield, Roy
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

Blanchard, Elizabeth
DeJoie, John
French, Barbara
Hess, David
Langlais, Thomas
McMahon, Patricia
Reardon, Tara
Soltani, Tony
Walz, Mary Beth

Bouchard, Candace
DeStefano, Stephen
Gile, Mary
Kidder, David
Lockwood, Priscilla
Oliver, James
Reed, Dennis
Tilton, Joy
Whiting, Herbert

Clarke, Claire
Field, William
Greco, Vincent
Klose, John
MacKay, James
Osborne, Jessie
Ryan, Jim
Tupper, Frank
Williams, Robert

ROCKINGHAM

Asselin, Michael
Buxton, Donald
Charron, Gene
Dodge, Robert
Flanders, John Sr
Gould, Kenneth
Katsakiores, George
Manning, John
Moody, Marcia
Powers, James
Rausch, James
Scamman, Stella
Stone, Joseph
Weyler, Kenneth

Bettencourt, David
Cali-Pitts, Jacqueline
Coburn, James
Donahue, Richard Ken
Flockhart, Eileen
Griffin, Mary
Katsakiores, Phyllis
Mason, April
Norelli, Terie
Priestley, Anne
Robertson, Carl
Serlin, Christopher
Waterhouse, Kevin
Wiley, Robert

Blanchard, MaryAnn
Carson, Sharon
Cooney, Richard
Dowd, John
Francoeur, Sheila
Headd, James
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Quandt, Marshall Lee
Rolston, James
Splaine, James
Weldy, Norman
Zolla, William

Bridle, Russell
Casey, Kimberley
Dalrymple, Janeen
Dowling, Patricia
Gillick, Thomas
Hughes, Daniel
Major, Norman
McMahon, Charles
Pantelakos, Laura
Quandt, Matthew
Sanders, Elisabeth
Stiles, Nancy
Wells, Roger

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Hilliard, Dana
Knowles, William
Rous, Emma
Taylor, Kathleen

Brown, Jennifer
Chaplin, Duncan
Goodwin, Earle
Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Twombly, James

Brown, Julie
Cilley, Jacalyn
Grassie, Anne
Johnson, Nancy
Newton, Clifford
Smith, Marjorie
Wall, Janet

Brown, Lawrence
Creteau, Irene
Heon, Richard
Keans, Sandra
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte
Rodeschin, Beverly

Donovan, Thomas
Osgood, Philip Sr

Ferland, Brenda
Phinzy, James

and floor amendment (1211h) failed.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 195 NAYS 171**YEAS 195****BELKNAP**

Allen, Janet
Millham, Alida
Russell, David
Veazey, John

Boyce, Laurie
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Clark, Charles
Pilliod, James
Tilton, Franklin
Whalley, Michael

Flanders, Donald
Rosen, Ralph
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J David
Olimpio, J Lisbeth

Babson, David Jr
Martin, James
Patten, Betsey

Brown, Carolyn
McConkey, Mark

Chandler, Gene
Merrrow, Harry

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Dexter, Judson
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Sawyer, Sheldon

Foote, Sheila

Hogancamp, Deborah

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King, Frederick
Richardson, Herbert

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Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

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Williams, Burton

Mirski, Paul

Naro, Debra

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Carew, James
Christensen, D L Chris
Desmarais, Vivian
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Gibson, John
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Holden, Randolph
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Messier, Irene
O'Connell, Timothy
Reeves, Sandra
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Velez, Hector

Allan, Nelson
Boehm, Ralph
Carlson, Donald
Christiansen, Lars
DeVries, Betsi
Emerton, Larry
Golding, William
Hansen, Ryan
Infantine, William
Manney, Pamela
Mooney, Maureen
Ober, Lynne
Ross, Lawrence
Stepanek, Stephen
Wheeler, Robert

Batula, Peter
Brundige, Robert
Carter, Mark
Clark, Mark
Dokmo, Cynthia
Foster, Linda
Gonzalez, Carlos
Hebert, Raymond
Jasper, Shawn
McRae, Karen
Moran, Edward
Pilotte, Maurice
Rowe, Robert
Tahir, Saghir

Bergeron, Jean-Guy
Calawa, Leon Jr
Chabot, Robert
Coughlin, Pamela
Drisko, Richard
Gargas, Carolyn
Goyette, Peter Jr
Hinkle, Peyton
Kurk, Neal
Mead, Robert
O'Brien, William
Price, Pamela
Ryder, Donald
Ulery, Jordan

MERRIMACK

Anderson, Eric
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Klose, John
MacKay, James
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L'Heureux, Stephen
Maxfield, Roy
Williams, Robert

Currier, David
Hess, David
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Danforth, James
Kidder, David
Lockwood, Priscilla
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Asselin, Michael
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Carson, Sharon
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Forsing, Robert
Gould, Kenneth

Belanger, Ronald
Bridle, Russell
Charron, Gene
DiFruscia, Anthony
Dowling, Patricia
Francoeur, Sheila
Griffin, Mary

Bettencourt, David
Buxton, Donald
Coburn, James
Dodge, Robert
Fesh, Bob
Garriety, James
Headd, James

Bishop, Franklin
Camm, Kevin
Cooney, Richard
Donahue, Richard Ken
Flanders, John Sr
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Hopfgarten, Paul

Hughes, Daniel
Katsakiores, George
Major, Norman
McMahon, Charles
Packard, Sherman
Rausch, James
Scamman, Stella
Welch, David
Wiley, Robert

Ingram, Russell
Katsakiores, Phyllis
Manning, John
Morris, Richard
Parker, Benjamin
Robertson, Carl
Stiles, Nancy
Weldy, Norman
Winchell, George

Johnson, Robert
Kobel, Rudolph
Mason, April
Nowe, Ronald
Quandt, Marshall Lee
Rolston, James
Stone, Joseph
Wells, Roger
Zolla, William

Johnson, Rogers
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Berube, Roger
Dunlap, Patricia

Brown, Julie
Knowles, William

Campbell, W Packy
Newton, Clifford

Chaplin, Duncan
Twombly, James

SULLIVAN

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 171

BELKNAP

Heald, Bruce

Morrison, Gail

CARROLL

Buco, Thomas

Dickinson, Howard

CHESHIRE

Allen, Peter
Dunn, J Timothy
Parkhurst, Henry
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Pelkey, Stephen
Roberts, Kris

Butynski, William
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

Chase, William
Mitchell, Bonnie
Pratt, John
Tilton, Anna

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Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Nordgren, Sharon

Andersen, Gene
Eaton, Stephanie
Maybeck, Margie
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Bleyler, Ruth
Hammond, Lee
Mulholland, Catherine
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
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Campbell, David
Craig, James
Egbers, Fran
Ginsburg, Ruth
Hall, Betty
Hunter, Bruce
Kopka, Angeline
Matarazzo, Anthony Sr
Renzullo, Andrew
Schulze, Joan
Souza, Kathleen
Villeneuve, Maurice

Balboni, Michael
Biundo, Michael
Chase, Claudia
Crane, Elenore Casey
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Irwin, Anne-Marie
Lasky, Bette
Michon, Stephen
Rochette, Eric
Shaw, Barbara
Sullivan, Francis
Wheeler, James

Baroody, Benjamin
Brassard, Paul
Clayton, William
Daniuk, Caitlin
Francoeur, Bea
Gorman, Mary
Hellwig, Steve
Jean, Claudette
Lefebvre, Roland
Movsesian, Lori
Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Peter

Barry, J Gail
Buhlman, David
Clemons, Jane
Dyer, Donald
Garrity, Patrick
Haley, Robert
Hirschmann, Keith
Johnson, Paula
Martin, Mary Ellen
Pappas, Christopher
Scanlon, Michael
Smith, David
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
Foosse, Robert

Clarke, Claire
French, Barbara

DeJoie, John
Gile, Mary

DeStefano, Stephen
Greco, Vincent

Hamm, Christine
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

Kennedy, Richard
Potter, Frances
Tilton, Joy
Whiting, Herbert

Marple, Richard
Reardon, Tara
Tupper, Frank
Yeaton, Charles

McMahon, Patricia
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Gilbert, Karl
Pantelakos, Laura
Serlin, Christopher

Allen, Mary
Casey, Kimberley
Itse, Daniel
Powers, James
Smith, Paul

Bicknell, Elbert
Dumaine, Dudley
Moody, Marcia
Priestley, Anne
Splaine, James

Cady, Harriet
Flockhart, Eileen
Norelli, Terie
Putnam, Ed II
Weare, E Albert

STRAFFORD

Bickford, David
Cataldo, Sam
Goodwin, Earle
Hofemann, Roland
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Hollinger, Jeffrey
Miller, Joseph
Smith, Marjorie

Brown, Lawrence
Creteau, Irene
Heon, Richard
Johnson, Nancy
Rollo, Michael
Spang, Judith

Callaghan, Frank
Easson, Timothy
Hilliard, Dana
Kaen, Naida
Rous, Emma
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Phinizy, James

Ferland, Brenda
Prichard, Stephen

and the committee report was adopted.
Ordered to third reading.

(Deputy Speaker Weyler in the Chair)

HB 616-FN-L, relative to the education property tax and the education equity index. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert K. Dodge for the Majority of Finance: The committee voted to adopt a compromise Education Funding Plan. The bill utilizes the "education equity" index proposed by the Governor to target state aid to communities that need the most help. The formula uses: (1) the statewide average equalized valuation per pupil divided by the equalized valuation per pupil for the municipality; (2) statewide median income divided by the municipality's median income; (3) students in grades 1-12 eligible to receive free or reduced meals; (4) the number of children using English as a second language; (5) statewide average test scores; and (6) statewide graduation rate. This plan includes \$48 million in transition grants to ensure a responsible and predictable transition. As the transition grants decline, one half of the difference between the current and previous year will be added to the Education Equity Index funds, further showing the state's commitment to education. Vote 12-9.

Rep. Marjorie K. Smith for the Minority of Finance: There are any number of reasons to oppose HB 616-FN-L as it passed the Finance Committee but in this space today we will mention only three. 1) An overwhelming majority of the House Education Committee appeared before the Finance Committee asserting that the bill as amended by the Finance Committee ignored the central elements of education policy as stated by the House Education Committee. 2) By placing an overwhelming emphasis in the formula on equalized valuation, this bill ends up being a property tax relief bill rather than an educational policy bill. 3) By omitting any reference to special education costs the bill ignores a significant factor in how local school districts allocate their resources.

Majority Amendment (1156h)

Amend the bill by replacing all after the enacting clause with the following:

1 Persons and Property Taxable. RSA 76:3 is repealed and reenacted to read as follows:
76:3 Education Taxes.

1. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner of the department of revenue administration shall determine an average tax rate that is sufficient to fund average per pupil cost of all municipalities pursuant to RSA 198:40 multiplied by the state-

wide average daily membership in residence. The rate calculated shall be uniform on each \$1,000 of the value of taxable property of all persons and property taxable pursuant to RSA 72 and RSA 73, and except property subject to tax under RSA 82 and RSA 83-F.

II. Municipalities may assess local property taxes necessary to fund school district appropriations not funded by the state education base grants, transition grants, and state education assistance grants, paid from the education trust fund under RSA 198:39, or by other revenue sources.

III. The commissioner of the department of revenue administration shall use the most recent available equalized property tax assessment data in calculating the tax rate under paragraph I.

2 Persons and Property Taxable; Commissioner's Warrant. RSA 76:8 is repealed and reenacted to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall annually calculate the cost of education in a municipality pursuant to RSA 198:40.

II. Municipalities are authorized to assess local property taxes necessary to fund school district appropriations in excess of base grants, education assistance grants, and transition grants.

3 New Sections; Education Equity Index. Amend RSA 198 by inserting after section 40 the following new sections:

198:40-a Education Equity Index.

I. Beginning July 1, 2005, and every fiscal year thereafter, the department shall determine an education equity index (EEI) for each municipality that had any resident pupils during the applicable determination year as follows:

(a) Each municipality's education equity index shall be computed by dividing 0.925 by the sum of:

(1) 0.4 times the statewide average equalized valuation per pupil divided by the equalized valuation per pupil for the municipality;

(2) 0.2 times the statewide median household income divided by the municipality's median income;

(3) 0.095 times the percentage of the municipality's pupils in grades 1-12 eligible to receive a free or reduced price meal during the determination year as reported to the department divided by the statewide percentage of pupils in grades 1-12 eligible to receive a free or reduced price meal during the determination year as reported to the department;

(4) 0.005 times the percentage of the municipality's pupils in grade one through grade 8 identified as having limited English proficiency and receiving at least 5 hours per week of special instruction in English during the determination year as reported to the department divided by the statewide percentage of pupils in grades one through 8 identified as having limited English proficiency and receiving at least 5 hours per week of special instruction in English during the determination year;

(5) 0.15 times the statewide average test score divided by the municipality's average test score; and

(6) 0.075 times the statewide graduation rate for the determination year as reported by the department divided by the municipality's graduation rate for the determination year as reported to the department, where each municipality's graduation rate shall be equal to the graduation rate for the particular high school attended by the municipality's resident pupils that attend high school.

(b) For the fiscal years beginning July 1, 2005 and July 1, 2006, the department shall determine the education equity index for each municipality within 15 days after the effective date of this section.

(c) Beginning July 1, 2007, and every fiscal year thereafter, the department shall determine the education equity index for each municipality not later than October 1 in the calendar year preceding the beginning of the fiscal year for which the education equity index is calculated.

II. In determining the education equity index for any municipality that sends pupils to more than one school or school district, the department shall consider only data from schools or school districts within this state attended by 5 percent or more of the municipality's resident pupils, and the department shall determine each value necessary to calculate the education equity index for such municipality by weighting the corresponding values for each school or school district to which the municipality sends pupils by the number of resident pupils from the municipality that attend such school or school district. If a municipality sends all of its resident pupils that are relevant to the determination of any value necessary to calculate the education equity index for such municipality to one or more schools not operated by any school district, then the municipality shall be assigned the statewide value for such value.

198:40-b State Education Assistance.

I. Beginning July 1, 2005, and in the first year of each biennium thereafter, the department shall determine the amount of state education assistance under this section, if any, for a municipality, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, as follows:

(a) The state shall distribute state education assistance to municipalities pursuant to RSA 198:42 in an aggregate amount equal to the total amount of state education assistance grants determined for the fiscal year pursuant to subparagraph (b).

(b) The annual amount of state education assistance shall be distributed among the municipalities as state education assistance grants as follows:

(1) For each municipality with an education equity index for the applicable biennium year less than 1.2, the department shall determine a number of education equity units equal to the number of resident pupils in the municipality during the applicable determination year multiplied by the excess of 1.2 over the municipality's education equity index for such biennium. Each other municipality shall be assigned zero education equity units for such biennium.

(2) Each municipality shall receive a state education grant for such fiscal year equal to the total amount of state education grants for the fiscal year multiplied by a fraction, the numerator of which is the number of education equity units determined for such municipality for the applicable biennium, and the denominator of which is the total number of education equity units determined for all municipalities for such biennium.

II. For the fiscal year beginning July 1, 2006, and for the second year of each biennium thereafter, the department shall determine the amount of state education assistance under this section, if any, for a municipality, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, as follows:

(a) The state shall distribute state education assistance to municipalities pursuant to RSA 198:42 in an aggregate amount equal to the total amount of state education assistance grants determined for the fiscal year pursuant to subparagraph (b).

(b) Each municipality shall receive a state education assistance grant for such fiscal year equal to the total amount of state education assistance grants for the fiscal year as determined pursuant to paragraph III below multiplied by a fraction, the numerator of which is the number of education equity units determined for such municipality for the applicable biennium, and the denominator of which is the total number of education equity units determined for all municipalities for such biennium.

III. (a) For the biennium beginning July 1, 2005 and ending June 30, 2007, the amount of state education assistance shall be \$289,438,147, to be distributed as determined in this section using the education equity index in RSA 198:40-a.

(b) For the biennium beginning July 1, 2007, and every biennium thereafter, the amount of state educational assistance to be distributed to a municipality under this section for the biennium shall be adjusted as follows:

(1) Determine the sum of the percentage change in the state average daily membership in attendance plus the average annual percentage rate of inflation for the immediately preceding 4 calendar years based on the northeast region consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor.

(2) Multiply the sum obtained in subparagraph (b)(1) by 2.

(3) Add one to the product obtained in subparagraph (b)(2).

(4) Multiply the sum obtained in subparagraph (b)(3) by the amount of state educational assistance calculated for a municipality for the previous biennium.

IV. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the amount of state education assistance for each such municipality shall be the lesser of the following:

(a) The amount calculated in accordance with paragraph I or paragraph II of this section, as applicable; or

(b) The total amount paid for education expense as determined by the department.

4 School Money; Calculation of Base Education Cost. RSA 198:41 is repealed and reenacted to read as follows:

198:41 Base Education Cost; Base Grant; Transition Grant.

I. A municipality's base education cost shall be determined by multiplying the state average per pupil cost, pursuant to RSA 198:40, by the average daily membership in residence in the municipality.

II. A municipality which cannot raise sufficient revenue at the average rate established under RSA 76:3 to fund its base education cost shall receive a base grant from the education trust fund established in RSA 198:39, in an amount sufficient to fund its base education cost.

III. Transition grants shall be paid from the education trust fund and shall be determined as follows:

(a) For the 2006 and 2007 fiscal years, a municipality shall receive a transition grant for the amount that the state base grant and the state education assistance grant under RSA 198:40-b is less than 90 percent of the amount received in the 2005 fiscal year.

(b) For the 2008 fiscal year, and every fiscal year thereafter, a municipality shall receive a transition grant which is not less than 90 percent of the amount received in the preceding fiscal year. Provided, however, that after fiscal year 2008, if for a municipality the transition grant is equal to or less than \$100 per pupil, then the transition grant shall terminate.

(c) For the 2006 fiscal year, each municipality shall be eligible to receive a grant amount for such fiscal year not to exceed 110 percent of the adequate education grant determined for such municipality for the 2005 fiscal year, under the version of RSA 198:41 in effect on July 1, 2004. For the 2007 fiscal year, and for every fiscal year thereafter, each municipality shall be eligible to receive a grant amount for such fiscal year equal to 110 percent of the state education assistance amount determined for such municipality for the immediately preceding fiscal year.

(d) Beginning in the 2007 fiscal year, and every fiscal year thereafter, the commissioner of the department of education shall determine if the amount needed to fund transition grants under RSA 198:41 for the current fiscal year is less than the amount needed to fund transition grants in the preceding fiscal year. Fifty percent of any such savings identified shall be used to supplement existing funding of education equity index grants under RSA 198:41, III and shall be distributed to municipalities based on the education equity index set forth in RSA 198:40-a.

5 School Money; Distribution Schedule. Amend the section heading of RSA 198:42 and RSA 198:42, I-II to read as follows:

198:42 **Funding** Distribution Schedule [~~of Adequate Education Grant~~]; Appropriation.

I. The [~~adequate education grant~~] **base grants** determined in RSA 198:41, **state educational assistance grants under RSA 198:40-b, and transition grants under RSA 198:41, III** shall be distributed to each municipality's school district or districts legally responsible for the education of the pupils who attend approved public schools within the district or in other districts or who attend approved programs for educationally disabled children, as the case may be, from the education trust fund in 4 payments of 20 percent on September 1, 20 percent on November 1, 30 percent on January 1, and 30 percent on April 1 of each school year; provided that for a dependent school district, the [~~grant~~] **base grants** determined in RSA 198:41 shall be distributed to the municipality, which shall appropriate and transfer the grant funds to its dependent school department.

II. For the fiscal year beginning July 1, 2004, and every fiscal year thereafter the amount necessary to fund the grants under RSA 198:41 is hereby appropriated from the education trust fund created under RSA 198:39 to the department. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of [~~adequate~~] education grants.

6 Additional Education Expenditures. Amend RSA 198:43 to read as follows:

198:43 Additional Education Expenditures. School districts are authorized to develop **additional** educational programs [~~beyond those required for an adequate education~~] and to raise and appropriate amounts necessary for such programs.

7 School Money; Maintenance of Local Control. Amend RSA 198:48 to read as follows:

198:48 Maintenance of Local Control. Distributions under RSA 198:42 are based on [~~adequate~~] education costs determined in RSA 198:40 and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets except that [~~adequate~~] education grants must be expended for educational purposes. [~~Adequate~~] **State** education grants [~~and hardship grants~~] shall not be considered unanticipated funds under RSA 198:20-b.

8 State Treasurer; Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, ~~[RSA 198:46]~~ and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

9 School Attendance; Duty of Parent; Compulsory Attendance. Amend RSA 193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and ~~[adequate education]~~ grants under RSA 198:41.

10 Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:38 to read as follows:

State Aid for ~~[Educational Adequacy]~~ **Education**; Education Trust Fund

11 School Money; Education Trust Fund. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute ~~[adequate]base, education assistance, and transition~~ education grants to municipalities' school districts pursuant to RSA 198:42[; ~~and to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61~~]. The state treasurer shall deposit into this fund immediately upon receipt:

12 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. For any charter school authorized by the state board of education, the pupil's resident district shall pay tuition beginning July 1, 2004 and every fiscal year thereafter, in an amount per pupil equal to the amount determined in RSA 198:40, I. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, tuition payments shall coincide with the distribution of ~~[adequacy]~~ grants under RSA 198:42 or on such other terms as are mutually acceptable.

13 School Performance and Accountability; Local Education Improvement Plan. Amend RSA 193-H:4, I (b) to read as follows:

(b) If a school or school district has been designated as in need of improvement, then the school or school district may request assistance from the department ~~[of education]~~ **and may request funding from the performance improvement fund established in RSA 193-H:4-a**. The department shall provide technical assistance to those schools that request assistance under this section.

14 New Paragraph; School Performance and Accountability; Local Education Improvement Plan. Amend RSA 193-H:4 by inserting after paragraph IV the following new paragraph:

V. Three years following the designation, a school or school district which is still not making satisfactory progress in implementing the plan required under subparagraph I(a) shall receive, in the next fiscal year, 95 percent of the education grant to which it is entitled under RSA 198:41. For each year thereafter in which such designation persists, a school or school district shall receive, in the next fiscal year, 95 percent of the education grant to which it is entitled under RSA 198:41.

15 New Section; School Performance and Accountability; Performance Improvement Fund. Amend RSA 193-H by inserting after section 4 the following new section:

193-H:4-a Performance Improvement Fund. There is hereby established in the department a performance improvement fund which shall be administered by the commissioner. The purpose of the fund is to provide funding for approved improvement plans required under RSA 193-H:4, I. Approved improvement plans shall be funded to the extent of available funds in a fiscal year.

16 Appropriations to Education Trust Fund. No unexpended general fund moneys appropriated to the education trust fund shall, under any circumstances, lapse to the general fund.

17 Repeals. The following are repealed:

I. 2004, 195:3 and 2004, 200:27, relative to the education property tax.

II. 2004, 200:16-200:23, relative to contingent applicability.

III. 2004, 200:25-200:28, relative to prospective versions of the education property tax and contingent applicability.

IV. RSA 198:38, VII, relative to the definition of adequate education costs.

V. RSA 198:44, relative to duties of the department of education and the board of education.

VI. RSA 198:46-47, relative to excess education property tax payment and forms.

VII. RSA 198:49, relative to the adequate education and education financing commission.

VIII. RSA 198:39, I(g), relative to excess education property tax payments.

IX. RSA 21-1:18, I(i) relative to purchase of services from private contractors by the department of revenue administration.

X. RSA 198:56-61, relative to the low and moderate income homeowners property tax relief program.

18 Nonseverability. If the New Hampshire supreme court declares any provision of sections 117 of this act to be unconstitutional under either the New Hampshire constitution or the United States Constitution, then sections 1-17 of this act are hereby repealed on the date such unconstitutionality is declared.

19 Effective Date. This act shall take effect July 1, 2005 at 12:02 a.m.

AMENDED ANALYSIS

This bill:

I. Replaces the education property tax with a provision requiring the commissioner of the department of revenue administration to establish a tax rate sufficient to fund state education assistance payments.

II. Distributes state education assistance in the form of state education grants, which are determined on a municipality-by-municipality basis under a formula that calculates a municipality's need for assistance based on a broad range of factors, including fiscal capacity, resource challenges, performance, and student population, with the state education grants being adjusted in future years by the consumer price index and changes in statewide pupil population.

III. Provides that for the 2006 and 2007 fiscal years, a municipality shall receive a total grant which is not less than 90 percent of the total grant received in the 2005 fiscal year, and for the 2008 fiscal year, and every fiscal year thereafter, a municipality shall receive a total grant which is not less than 90 percent of the total grant received in the preceding fiscal year.

IV. Provides that a municipality may receive a grant amount not to exceed 110 percent of the amount received in the preceding fiscal year.

V. Repeals the statutory provisions authorizing excess education property tax payments.

VI. Repeals the low and moderate income homeowners property tax relief program.

Reps. Daniel Eaton and Ward spoke against.

Rep. Hughes spoke in favor and yielded to questions.

Rep. Marjorie Smith spoke against and yielded to questions.

Reps. Dodge and Chandler spoke in favor.

Rep. Paul Smith requested a roll call; sufficiently seconded.

The question being adoption of the majority committee amendment.

YEAS 134 NAYS 227

YEAS 134

BELKNAP

Allen, Janet
Pilliod, James
Tobin, William

Flanders, Donald
Russell, David
Whalley, Michael

Millham, Alida
Thomas, John

Nedeau, Stephen
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry

Babson, David Jr
Knox, J David
Patten, Betsey

Brown, Carolyn
Martin, James

Chandler, Gene
McConkey, Mark

CHESHIRE

Hogancamp, Deborah	Hunt, John	Sawyer, Sheldon
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COOS

King, Frederick	Tholl, John Jr
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GRAFTON

Eaton, Stephanie	Ham, Bonnie	Williams, Burton
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HILLSBOROUGH

Aboshar, Jeffrey	Batula, Peter	Bergin, Peter	Calawa, Leon Jr
Carew, James	Carlson, Donald	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Gargas, Carolyn	Gonzalez, Carlos
Graham, John	Hansen, Ryan	Holden, Randolph	Jasper, Shawn
Kurk, Neal	Manney, Pamela	McRae, Karen	Mooney, Maureen
Moran, Edward	O'Connell, Timothy	Ober, Lynne	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Ryder, Donald	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan	Wheeler, Robert

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	Hager, Elizabeth
Hess, David	Klose, John	L'Heureux, Stephen	Lockwood, Priscilla
MacKay, James	Marple, Richard	McMahon, Patricia	Oliver, James
Whiting, Herbert			

ROCKINGHAM

Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Buxton, Donald	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Dalrymple, Janeen	Dodge, Robert
Dowd, John	Dowling, Patricia	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Major, Norman
Mason, April	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Rausch, James	Sanders, Elisabeth
Scamman, Stella	Scamman, W Douglas	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wiley, Robert	Winchell, George
Zolla, William			

STRAFFORD

Berube, Roger	Chaplin, Duncan	Hilliard, Dana	Rollo, Michael
Twombly, James			

SULLIVAN

Gale, Harry	Irish, Christopher	Rodeschin, Beverly
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NAYS 227**BELKNAP**

Boyce, Laurie	Clark, Charles	Heald, Bruce	Morrison, Gail
Rosen, Ralph	Wendelboe, Fran		

CARROLL

Buco, Thomas	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foot, Sheila	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard
Morneau, Renney
Theberge, Robert

Lary, Bruce
Remick, William

Mears, Edgar
Richardson, Herbert

Merrick, Scott
Stohl, Eric

GRAFTON

Almy, Susan
Cooney, Mary
Ingbertson, Paul
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Gionet, Edmond
Maybeck, Margie
Naro, Debra
Sorg, Gregory

Benn, Bernard
Hammond, Lee
McLeod, Martha
Nordgren, Sharon
Ward, John

Bleyler, Ruth
Harding, A Laurie
Mirski, Paul
Sokol, Hilda

HILLSBOROUGH

Adams, Jarvis IV
Barry, J Gail
Boehm, Ralph
Campbell, David
Clemons, Jane
Daniuk, Caitlin
Elliott, Nancy
Garritty, Patrick
Goley, Jeffrey
Hall, Betty
Hellwig, Steve
Irwin, Anne-Marie
L'Heureux, Robert
Matarazzo, Anthony Sr
Movesian, Lori
Price, Pamela
Schulze, Joan
Sullivan, Francis
Velez, Hector

Allan, Nelson
Beaulieu, Jane
Brassard, Paul
Carter, Mark
Coughlin, Pamela
DeVries, Betsi
Essex, David
Gibson, John
Gorman, Mary
Harvey, Suzanne
Hirschmann, Keith
Jean, Claudette
Lasky, Bette
Mead, Robert
O'Brien, William
Rochette, Eric
Shaw, Barbara
Sullivan, Peter
Villeneuve, Maurice

Balboni, Michael
Bergeron, Jean-Guy
Brundige, Robert
Chase, Claudia
Craig, James
Dyer, Donald
Foster, Linda
Ginsburg, Ruth
Goyette, Peter Jr
Hawkins, Ken
Hunter, Bruce
Johnson, Paula
Lefebvre, Roland
Messier, Irene
Pappas, Christopher
Rowe, Robert
Shaw, Kimberly
Tahir, Saghir
Wheeler, James

Baroody, Benjamin
Biundo, Michael
Buhlman, David
Clayton, William
Crane, Elenore Casey
Egbers, Fran
Francoeur, Bea
Golding, William
Haley, Robert
Hebert, Raymond
Infantine, William
Kopka, Angeline
Martin, Mary Ellen
Michon, Stephen
Pilotte, Maurice
Scanlon, Michael
Smith, David
Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth
DeStefano, Stephen
Gile, Mary
Kidder, David
Potter, Frances
Shurtleff, Stephen
Walner, Mary Jane

Bouchard, Candace
Field, William
Greco, Vincent
Langlais, Thomas
Reardon, Tara
Soltani, Tony
Walz, Mary Beth

Clarke, Claire
Foose, Robert
Hamm, Christine
Maxfield, Roy
Reed, Dennis
Tilton, Joy
Williams, Robert

DeJoie, John
French, Barbara
Kennedy, Richard
Osborne, Jessie
Ryan, Jim
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cady, Harriet
DiFruscia, Anthony
Johnson, Robert
Morris, Richard
Powers, James
Robertson, Carl
Splaine, James

Allen, Mary
Cali-Pitts, Jacqueline
Dumaine, Dudley
Manning, John
Norelli, Terie
Putnam, Ed II
Rolston, James
Stiles, Nancy

Bishop, Franklin
Casey, Kimberley
Flockhart, Eileen
McKinney, Betsy
Pantelakos, Laura
Quandt, Marshall Lee
Serlin, Christopher
Wells, Roger

Blanchard, MaryAnn
Cooney, Richard
Itse, Daniel
Moody, Marcia
Parker, Benjamin
Quandt, Matthew
Smith, Paul

STRAFFORD

Bickford, David
Callaghan, Frank
Creteau, Irene
Grassie, Anne

Brown, Jennifer
Campbell, W Packy
Dunlap, Patricia
Heon, Richard

Brown, Julie
Cataldo, Sam
Easson, Timothy
Hofemann, Roland

Brown, Lawrence
Cilley, Jacalyn
Goodwin, Earle
Hollinger, Jeffrey

Johnson, Nancy
Miller, Joseph
Smith, Marjorie

Kaen, Naida
Newton, Clifford
Spang, Judith

Keans, Sandra
Rous, Emma
Taylor, Kathleen

Knowles, William
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Osgood, Philip Sr

Ferland, Brenda
Phinizy, James

and the majority committee amendment failed.

(Speaker Scamman in the Chair)

Rep.W. Packy Campbell offered floor amendment (1186h).

Floor Amendment (1186h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the education property tax and the education equity index.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Cost of an Adequate Education. Amend RSA 193-E by inserting after section 3 the following new section:

193-E:3-a Cost of an Adequate Education.

I. The risk of a community's ability to provide an adequate education and the fiscal capacity of a community to provide an adequate education along with the cost of an adequate education varies from community to community.

II. The state underwrites and guarantees an adequate education by targeting aid to communities based on fiscal capacity and educational risk factors. In addition, the state authorizes local municipalities to collect property taxes to fund educational opportunities.

III. The cost of adequacy varies based on the changing variables in the education funding targeting formulas. The state meets its obligation to provide for the opportunity for an adequate education through the use of base grant calculations along with education equity index grants.

2 Persons and Property Taxable. RSA 76:3 is repealed and reenacted to read as follows:

76:3 Education Taxes.

I. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner of the department of revenue administration shall determine an average tax rate that is sufficient to fund average per pupil cost of all municipalities pursuant to RSA 198:40 multiplied by the statewide average daily membership in residence. The rate calculated shall be uniform on each \$1,000 of the value of taxable property of all persons and property taxable pursuant to RSA 72 and RSA 73, and except property subject to tax under RSA 82 and RSA 83-F.

II. Municipalities may assess local property taxes necessary to fund school district appropriations not funded by the state education base grants, transition grants, and state education assistance grants, paid from the education trust fund under RSA 198:39, or by other revenue sources.

III. The commissioner of the department of revenue administration shall use the most recent available equalized property tax assessment data in calculating the tax rate under paragraph I.

3 Persons and Property Taxable; Commissioner's Warrant. RSA 76:8 is repealed and reenacted to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall annually calculate the cost of education in a municipality pursuant to RSA 198:40.

II. Municipalities are authorized to assess local property taxes necessary to fund school district appropriations in excess of base grants, education assistance grants, and transition grants.

4 School Money; Determination of Average Per Pupil Cost. Amend RSA 198:40, I(b) to read as follows:

(b) The department shall identify those school districts where ~~[40 to]~~ 60 to 80 percent of the elementary pupils enrolled in the grades tested on the day testing began, achieved a scaled score, in the statewide educational improvement and assessment program administered pursuant to RSA 193-C, in all areas tested, equivalent to performance at the basic level or above. From these school districts, the department shall then identify those school districts that have the lowest cost per pupil as calculated pursuant to subparagraph I(a) and which represent, as nearly as possible, 50 percent of the average daily membership in attendance at the elementary level of the school districts identified.

5 New Sections; Education Equity Index. Amend RSA 198 by inserting after section 40 the following new sections:

198:40-a Education Equity Index.

I. Beginning July 1, 2005, and every fiscal year thereafter, the department shall determine an education equity index (EEI) for each municipality that had any resident pupils during the applicable determination year as follows:

(a) Each municipality's education equity index shall be computed by dividing one by the sum of:

(1) 0.25 times the statewide average equalized valuation per pupil divided by the equalized valuation per pupil for the municipality;

(2) 0.2 times the statewide median household income divided by the municipality's median household income;

(3) 0.095 times the percentage of the municipality's pupils in grades 1-12 eligible to receive a free or reduced price meal during the determination year as reported to the department divided by the statewide percentage of pupils in grades 1-12 eligible to receive a free or reduced price meal during the determination year as reported to the department;

(4) 0.005 times the percentage of the municipality's pupils in grade one through grade 8 identified as having limited English proficiency and receiving at least 5 hours per week of special instruction in English during the determination year as reported to the department divided by the statewide percentage of pupils in grades one through 8 identified as having limited English proficiency and receiving at least 5 hours per week of special instruction in English during the determination year;

(5) 0.15 times the statewide average test score divided by the municipality's average test score; and

(6) 0.075 times the statewide graduation rate for the determination year as reported by the department divided by the municipality's graduation rate for the determination year as reported to the department, where each municipality's graduation rate shall be equal to the graduation rate for the particular high school attended by the municipality's resident pupils that attend high school.

(b) For the fiscal years beginning July 1, 2005 and July 1, 2006, the department shall determine the education equity index for each municipality within 15 days after the effective date of this section.

(c) Beginning July 1, 2007, and every fiscal year thereafter, the department shall determine the education equity index for each municipality not later than October 1 in the calendar year preceding the beginning of the fiscal year for which the education equity index is calculated.

II. In determining the education equity index for any municipality that sends pupils to more than one school or school district, the department shall consider only data from schools or school districts within this state attended by 5 percent or more of the municipality's resident pupils, and the department shall determine each value necessary to calculate the education equity index for such municipality by weighting the corresponding values for each school or school district to which the municipality sends pupils by the number of resident pupils from the municipality that attend such school or school district. If a municipality sends all of its resident pupils that are relevant to the determination of any value necessary to calculate the education equity index for such municipality to one or more schools not operated by any school district, then the municipality shall be assigned the statewide value for such value.

198:40-b State Education Assistance.

I. For the fiscal year beginning July 1, 2005, and for the first year of each biennium thereafter, the department shall determine the amount of state education assistance under this section, if any, for a municipality, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, as follows:

(a) The state shall distribute state education assistance to municipalities pursuant to RSA 198:42 in an aggregate amount equal to the total amount of state education assistance grants determined for the fiscal year pursuant to subparagraph (b).

(b) The annual amount of state education assistance shall be distributed among the municipalities as state education assistance grants as follows:

(1) For each municipality with an education equity index for the applicable biennium year less than 1.2, the department shall determine a number of education equity units equal to the number of resident pupils in the municipality during the applicable determination year multiplied by the excess of 1.2 over the municipality's education equity index for such biennium. Each other municipality shall be assigned zero education equity units for such biennium.

(2) Each municipality shall receive a state education grant for such fiscal year equal to the total amount of state education grants for the fiscal year multiplied by a fraction, the numerator of which is the number of education equity units determined for such municipality for the applicable biennium, and the denominator of which is the total number of education equity units determined for all municipalities for such biennium.

II. For the fiscal year beginning July 1, 2006, and for the second year of each biennium thereafter, the department shall determine the amount of state education assistance under this section, if any, for a municipality, except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, as follows:

(a) The state shall distribute state education assistance to municipalities pursuant to RSA 198:42 in an aggregate amount equal to the total amount of state education assistance grants determined for the fiscal year pursuant to subparagraph (b).

(b) Each municipality shall receive a state education assistance grant for such fiscal year equal to the total amount of state education assistance grants for the fiscal year as determined pursuant to paragraph III below multiplied by a fraction, the numerator of which is the number of education equity units determined for such municipality for the applicable biennium, and the denominator of which is the total number of education equity units determined for all municipalities for such biennium.

III. For the fiscal year beginning July 1, 2005, and for each fiscal year thereafter, the department shall determine the amount of state education assistance under this section as follows:

(a) For the fiscal year beginning July 1, 2005, the amount of state education assistance shall be \$267,000,000, to be distributed as determined in this section using the education equity index in RSA 198:40-a.

(b) For the fiscal year beginning July 1, 2006, the amount of state education assistance shall be the amount of assistance under this paragraph for such fiscal year multiplied by the sum of one plus the percentage change in the state average daily membership in attendance plus the average annual percentage rate of inflation for the immediately preceding 4 calendar years based on the northeast region consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor.

IV. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the amount of state education assistance for each such municipality shall be the lesser of the following:

(a) The amount calculated in accordance with paragraph I or paragraph II of this section, as applicable; or

(b) The total amount paid for education expense as determined by the department.

6 School Money; Calculation of Base Education Cost. RSA 198:41 is repealed and reenacted to read as follows:

198:41 Base Education Cost; Base Grant; Transition Grant.

I. A municipality's base education cost shall be determined by multiplying the state average per pupil cost, pursuant to RSA 198:40, by the average daily membership in residence in the municipality.

II. A municipality which cannot raise sufficient revenue at the average rate established under RSA 76:3 to fund its base education cost shall receive a base grant from the education trust fund established in RSA 198:39, in an amount sufficient to fund its base education cost.

III. Transition grants shall be paid from the education trust fund and shall be determined as follows:

(a) For the 2006 and 2007 fiscal years, a municipality with an education equity index which is less than or equal to 0.92 shall receive a transition grant for the amount that the state base grant and the state education assistance grant under RSA 198:40-b is less than 95 percent of the amount received in the 2005 fiscal year. For each one-hundredth of one point increase in a municipality's education equity index, such municipality's transition grant percentage shall decrease by one percent.

(b) For the 2008 fiscal year, and every fiscal year thereafter, a municipality with an education equity index which is less than or equal to 0.92 shall receive a transition grant of 95 percent of the amount received in the preceding fiscal year. For each one-hundredth of one point increase in a municipality's education equity index, such municipality's transition grant percentage shall decrease by one percent. Provided, however, that after fiscal year 2008, if a municipality's the transition grant is equal to or less than \$100 per pupil, then the transition grant shall terminate.

(c) Beginning in the 2006 fiscal year, and every fiscal year thereafter, the commissioner of the department of education shall determine if the amount needed to fund transitions grants under RSA 198:41 for the current fiscal year is less than the amount that was needed to fund transition grants in the preceding fiscal year. Any savings identified shall be used to supplement existing appropriations for the education equity index grants distributed to municipalities under RSA 198:40-a.

(d) Notwithstanding the provisions of subparagraphs (a) and (b), in any fiscal year, the transition grant percentage assigned to a municipality shall not be less than the transition grant percentage assigned to such municipality in the preceding fiscal year.

7 School Money; Distribution Schedule. Amend the section heading of RSA 198:42 and RSA 198:42, I-II to read as follows:

198:42 **Funding** Distribution Schedule [~~of Adequate Education Grant~~]; Appropriation.

I. The [~~adequate education grant~~] **base grants** determined in RSA 198:41, **state educational assistance grants under RSA 198:40-b, and transition grants under RSA 198:41, V** shall be distributed to each municipality's school district or districts legally responsible for the education of the pupils who attend approved public schools within the district or in other districts or who attend approved programs for educationally disabled children, as the case may be, from the education trust fund in 4 payments of 20 percent on September 1, 20 percent on November 1, 30 percent on January 1, and 30 percent on April 1 of each school year; provided that for a dependent school district, the [~~grant~~] **base grants** determined in RSA 198:41 shall be distributed to the municipality, which shall appropriate and transfer the grant funds to its dependent school department.

II. For the fiscal year beginning July 1, 2004, and every fiscal year thereafter the amount necessary to fund the grants under RSA 198:41 is hereby appropriated from the education trust fund created under RSA 198:39 to the department. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of [~~adequate~~] education grants.

8 Additional Education Expenditures. Amend RSA 198:43 to read as follows:

198:43 Additional Education Expenditures. School districts are authorized to develop **additional** educational programs [~~beyond those required for an adequate education~~] and to raise and appropriate amounts necessary for such programs.

9 School Money; Maintenance of Local Control. Amend RSA 198:48 to read as follows:

198:48 Maintenance of Local Control. Distributions under RSA 198:42 are based on [~~adequate~~] education costs determined in RSA 198:40 and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets except that [~~adequate~~] education grants must be expended for educational purposes. [~~Adequate~~] **State** education grants [~~and hardship grants~~] shall not be considered unanticipated funds under RSA 198:20-b.

10 State Treasurer; Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, [~~RSA 198:46~~] and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

11 School Attendance; Duty of Parent; Compulsory Attendance. Amend RSA 193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and [~~adequate education~~] grants under RSA 198:41.

12 Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:38 to read as follows:

State Aid for ~~[Educational Adequacy]~~ **Education**; Education Trust Fund

13 School Money; Education Trust Fund. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute ~~[adequate]~~**base, education assistance, and transition** education grants to municipalities' school districts pursuant to RSA 198:42, ~~[and]~~ to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, **and to fund the performance improvement fund established in RSA 193-H:4-a**. The state treasurer shall deposit into this fund immediately upon receipt:

14 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. For any charter school authorized by the state board of education, the pupil's resident district shall pay tuition beginning July 1, 2004 and every fiscal year thereafter, in an amount per pupil equal to the amount determined in RSA 198:40, I. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, tuition payments shall coincide with the distribution of ~~[adequacy]~~ grants under RSA 198:42 or on such other terms as are mutually acceptable.

15 School Performance and Accountability; Local Education Improvement Plan. Amend RSA 193-H:4, I (b) to read as follows:

(b) If a school or school district has been designated as in need of improvement, then the school or school district may request assistance from the department ~~[of education]~~ **and may request funding from the performance improvement fund established in RSA 193-H:4-a**. The department shall provide technical assistance to those schools that request assistance under this section.

16 New Paragraph; School Performance and Accountability; Local Education Improvement Plan. Amend RSA 193-H:4 by inserting after paragraph IV the following new paragraph:

V. Three years following the designation, a school or school district which is still not making satisfactory progress in implementing the plan required under subparagraph I(a) shall receive, in the next fiscal year, 95 percent of the education grant to which it is entitled under RSA 198:41. For each year thereafter in which such designation persists, a school or school district shall receive, in the next fiscal year, 95 percent of the education grant to which it is entitled under RSA 198:41.

17 New Section; School Performance and Accountability; Performance Improvement Fund. Amend RSA 193-H by inserting after section 4 the following new section:

193-H:4-a Performance Improvement Fund. There is hereby established in the department a performance improvement fund which shall be administered by the commissioner. The purpose of the fund is to provide funding for approved improvement plans required under RSA 193-H:4, I. Approved improvement plans shall be funded to the extent of available funds in a fiscal year.

18 Repeals. The following are repealed:

I. 2004, 195:3 and 2004, 200:27, relative to the education property tax.

II. 2004, 200:16-200:23, relative to contingent applicability.

III. 2004, 200:25-200:28, relative to prospective versions of the education property tax and contingent applicability.

IV. RSA 198:38, VII, relative to the definition of adequate education costs.

V. RSA 198:44, relative to duties of the department of education and the board of education.

VI. RSA 198:46-47, relative to excess education property tax payment and forms.

VII. RSA 198:49, relative to the adequate education and education financing commission.

VIII. RSA 198:39, I(g), relative to excess education property tax payments.

IX. RSA 21-I:18, I(i) relative to purchase of services from private contractors by the department of revenue administration.

X. RSA 198:56-61, relative to the low and moderate income homeowners property tax relief program.

19 Nonseverability. If the New Hampshire supreme court declares any provision of sections 118 of this act to be unconstitutional under either the New Hampshire constitution or the United States Constitution, then sections 1-18 of this act are hereby repealed on the date such unconstitutionality is declared.

20 Effective Date. This act shall take effect July 1, 2005 at 12:02 a.m.

AMENDED ANALYSIS

This bill:

I. Replaces the education property tax with a provision requiring the commissioner of the department of revenue administration to establish a tax rate sufficient to fund state education assistance payments.

II. Distributes state education assistance in the form of state education grants, which are determined on a municipality-by-municipality basis under a formula that calculates a municipality's need for assistance based on a broad range of factors, including fiscal capacity, resource challenges, performance, and student population, with the state education grants being adjusted in future years by the consumer price index and changes in statewide pupil population.

III. Provides that for the 2006 and 2007 fiscal years, a municipality shall receive a total grant equal to a percentage of the total grant received in the 2005 fiscal year, and for the 2008 fiscal year, and every fiscal year thereafter, a municipality shall receive a total grant which is equal to a percentage of the total grant received in the preceding fiscal year. Any savings realized from funding transition grants shall supplement existing appropriations to the education equity index grants to municipalities.

IV. Repeals the statutory provisions authorizing excess education property tax payments.

V. Sets forth the state's responsibility relative to the cost of an adequate education.

VI. Repeals the law and moderate income homeowners property tax relief program.

Rep. W. Packy Campbell spoke in favor and yielded to questions.

Reps. Stephen L'Heureux and Carter spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1186h).

YEAS 211 NAYS 151

YEAS 211

BELKNAP

Allen, Janet	Boyce, Laurie	Flanders, Donald	Heald, Bruce
Morrison, Gail	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran

CARROLL

Babson, David Jr	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Patten, Betsey			

CHESHIRE

Butcher, Suzanne	Butynski, William	Chase, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Richardson, Barbara	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
Weed, Charles			

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Andersen, Gene	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
Maybeck, Margie	McLeod, Martha	Mirski, Paul	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Sorg, Gregory	Ward, John	Williams, Burton	

HILLSBOROUGH

Adams, Jarvis IV
 Biundo, Michael
 Carlson, Donald
 Christiansen, Lars
 Daniuk, Caitlin
 Garrity, Patrick
 Haley, Robert
 Hirschmann, Keith
 Kurk, Neal
 Pilotte, Maurice
 Souza, Kathleen
 Velez, Hector

Balboni, Michael
 Brassard, Paul
 Carter, Mark
 Clayton, William
 DeVries, Betsi
 Golding, William
 Hall, Betty
 Hunter, Bruce
 Lefebvre, Roland
 Ross, Lawrence
 Sullivan, Francis
 Wheeler, James

Baroddy, Benjamin
 Campbell, David
 Chabot, Robert
 Craig, James
 Egbers, Fran
 Goley, Jeffrey
 Hansen, Ryan
 Infantine, William
 Martin, Mary Ellen
 Schulze, Joan
 Sullivan, Peter

Beaulieu, Jane
 Carew, James
 Chase, Claudia
 Crane, Elenore Casey
 Essex, David
 Gonzalez, Carlos
 Hebert, Raymond
 Irwin, Anne-Marie
 Matarazzo, Anthony Sr
 Shaw, Barbara
 Tahir, Saghir

MERRIMACK

Blanchard, Elizabeth
 French, Barbara
 Hess, David
 Langlais, Thomas
 McMahon, Patricia
 Shurtleff, Stephen
 Walz, Mary Beth

Clarke, Claire
 Greco, Vincent
 Kennedy, Richard
 Lockwood, Priscilla
 Potter, Frances
 Soltani, Tony
 Whiting, Herbert

Currier, David
 Hager, Elizabeth
 Kidder, David
 Marple, Richard
 Reed, Dennis
 Tilton, Joy
 Williams, Robert

Foose, Robert
 Hamm, Christine
 L'Heureux, Stephen
 Maxfield, Roy
 Ryan, Jim
 Tupper, Frank
 Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
 Blanchard, MaryAnn
 Casey, Kimberley
 Forsing, Robert
 Katsakiores, George
 Norelli, Terie
 Quandt, Matthew
 Serlin, Christopher
 Weldy, Norman

Allen, Mary
 Cady, Harriet
 Coburn, James
 Gillick, Thomas
 Katsakiores, Phyllis
 Pantelakos, Laura
 Robertson, Carl
 Smith, Paul

Bicknell, Elbert
 Cali-Pitts, Jacqueline
 Dumaine, Dudley
 Headd, James
 Langley, Jane
 Powers, James
 Rolston, James
 Splaine, James

Bishop, Franklin
 Camm, Kevin
 Flockhart, Eileen
 Itse, Daniel
 Moody, Marcia
 Quandt, Marshall Lee
 Scamman, Stella
 Stiles, Nancy

STRAFFORD

Berube, Roger
 Campbell, W Packy
 Dunlap, Patricia
 Hilliard, Dana
 Keans, Sandra
 Rous, Emma
 Wall, Janet

Brown, Julie
 Cataldo, Sam
 Easson, Timothy
 Hollinger, Jeffrey
 Miller, Joseph
 Schmidt, Peter

Brown, Lawrence
 Cilley, Jacalyn
 Grassie, Anne
 Johnson, Nancy
 Newton, Clifford
 Spang, Judith

Callaghan, Frank
 Creteau, Irene
 Heon, Richard
 Kaen, Naida
 Rollo, Michael
 Twombly, James

SULLIVAN

Cloutier, John
 Gale, Harry
 Pinizy, James

Converse, Larry
 Houde-Quimby, Charlotte
 Prichard, Stephen

Donovan, Thomas
 Irish, Christopher
 Rodeschin, Beverly

Franklin, Peter
 Osgood, Philip Sr

NAYS 151**BELKNAP**

Clark, Charles

Millham, Alida

Nedeau, Stephen

Whalley, Michael

CARROLL

Ahlgren, Christopher

Brown, Carolyn

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
 Pratt, John

Emerson, Susan
 Roberts, Kris

Hogancamp, Deborah

Hunt, John

COOS

None

GRAFTON

Almy, Susan

Eaton, Stephanie

Ham, Bonnie

HILLSBOROUGH

Aboshar, Jeffrey
 Bergeron, Jean-Guy
 Buhlman, David
 Clemons, Jane
 Drisko, Richard
 Foster, Linda
 Ginsburg, Ruth
 Harvey, Suzanne
 Holden, Randolph
 Kopka, Angeline
 McRae, Karen
 Mooney, Maureen
 O'Connell, Timothy
 Reeves, Sandra
 Rowe, Robert
 Slocum, Lee
 Vaillancourt, Steve

Allan, Nelson
 Bergin, Peter
 Calawa, Leon Jr
 Coughlin, Pamela
 Dyer, Donald
 Francoeur, Bea
 Gorman, Mary
 Hawkins, Ken
 Jasper, Shawn
 L'Heureux, Robert
 Mead, Robert
 Moran, Edward
 Ober, Lynne
 Renzullo, Andrew
 Ryder, Donald
 Smith, David
 Villeneuve, Maurice

Barry, J Gail
 Boehm, Ralph
 Christensen, D L Chris
 Desmarais, Vivian
 Elliott, Nancy
 Gargas, Carolyn
 Goyette, Peter Jr
 Hellwig, Steve
 Jean, Claudette
 Lasky, Bette
 Messier, Irene
 Movsesian, Lori
 Pappas, Christopher
 Rochette, Eric
 Scanlon, Michael
 Stepanek, Stephen
 Wheeler, Robert

Batula, Peter
 Brundige, Robert
 Clark, Mark
 Dokmo, Cynthia
 Emerton, Larry
 Gibson, John
 Graham, John
 Hinkle, Peyton
 Johnson, Paula
 Manney, Pamela
 Michon, Stephen
 O'Brien, William
 Price, Pamela
 Rosenwald, Cindy
 Shaw, Kimberly
 Ulery, Jordan

MERRIMACK

Anderson, Eric
 DeStefano, Stephen
 MacKay, James
 Wallner, Mary Jane

Bouchard, Candace
 Field, William
 Oliver, James

Danforth, James
 Gile, Mary
 Osborne, Jessie

DeJoie, John
 Klose, John
 Reardon, Tara

ROCKINGHAM

Asselin, Michael
 Buxton, Donald
 DiFruscia, Anthony
 Fesh, Bob
 Gilbert, Karl
 Hughes, Daniel
 Major, Norman
 McMahon, Charles
 Packard, Sherman
 Rausch, James
 Welch, David
 Winchell, George

Belanger, Ronald
 Carson, Sharon
 Dodge, Robert
 Flanders, John Sr
 Gould, Kenneth
 Ingram, Russell
 Manning, John
 Morris, Richard
 Parker, Benjamin
 Sanders, Elisabeth
 Wells, Roger
 Zolla, William

Bettencourt, David
 Charron, Gene
 Dowd, John
 Francoeur, Sheila
 Griffin, Mary
 Johnson, Robert
 Mason, April
 Nowe, Ronald
 Priestley, Anne
 Waterhouse, Kevin
 Weyler, Kenneth

Bridle, Russell
 Cooney, Richard
 Dowling, Patricia
 Garrity, James
 Hopfgarten, Paul
 Kobel, Rudolph
 McKinney, Betsy
 O'Neil, Michael
 Putnam, Ed II
 Weare, E Albert
 Wiley, Robert

STRAFFORD

Bickford, David
 Hofemann, Roland

Brown, Jennifer
 Knowles, William

Chaplin, Duncan
 Smith, Marjorie

Goodwin, Earle
 Taylor, Kathleen

SULLIVAN

Ferland, Brenda

and floor amendment (1186h) was adopted.

The question now being adoption of the majority committee report.

Reps. Boehm and Pratt spoke against.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Casey spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Carson requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 181 NAYS 178**YEAS 181****BELKNAP**

Allen, Janet
Morrison, Gail
Russell, David
Wendelboe, Fran

Boyce, Laurie
Neddeau, Stephen
Thomas, John
Whalley, Michael

Flanders, Donald
Pilliod, James
Tilton, Franklin

Heald, Bruce
Rosen, Ralph
Tobin, William

CARROLL

Babson, David Jr
Knox, J David
Patten, Betsey

Buco, Thomas
Martin, James

Chandler, Gene
McConkey, Mark

Dickinson, Howard
Merrow, Harry

CHESHIRE

Butynski, William
Espiefs, Peter
Sawyer, Sheldon

Dexter, Judson
Foote, Sheila

Dunn, J Timothy
Mitchell, Bonnie

Eaton, Daniel
Richardson, Barbara

COOS

Buzzell, Bernard
Merrick, Scott
Stohl, Eric

King, Frederick
Morneau, Renney
Theberge, Robert

Lary, Bruce
Remick, William
Tholl, John Jr

Mears, Edgar
Richardson, Herbert

GRAFTON

Andersen, Gene
Gionet, Edmond
McLeod, Martha
Ward, John

Benn, Bernard
Hammond, Lee
Mirski, Paul

Bleyler, Ruth
Harding, A Laurie
Mulholland, Catherine

Eaton, Stephanie
Ingbreton, Paul
Sokol, Hilda

HILLSBOROUGH

Adams, Jarvis IV
Brassard, Paul
Carter, Mark
Craig, James
Emerton, Larry
Goley, Jeffrey
Hunter, Bruce
Martin, Mary Ellen
Shaw, Barbara
Tahir, Saghir

Balboni, Michael
Campbell, David
Chabot, Robert
Daniuk, Caitlin
Essex, David
Gonzalez, Carlos
Infantine, William
Matarazzo, Anthony Sr
Souza, Kathleen
Velez, Hector

Baroody, Benjamin
Carew, James
Chase, Claudia
DeVries, Betsi
Garrity, Patrick
Haley, Robert
Irwin, Anne-Marie
Messier, Irene
Sullivan, Francis
Wheeler, James

Beaulieu, Jane
Carlson, Donald
Clayton, William
Egbers, Fran
Golding, William
Hebert, Raymond
Kurk, Neal
Pilotte, Maurice
Sullivan, Peter

MERRIMACK

Clarke, Claire
Greco, Vincent
L'Heureux, Stephen
McMahon, Patricia
Shurtleff, Stephen
Walz, Mary Beth

Currier, David
Hess, David
Langlais, Thomas
Potter, Frances
Soltani, Tony
Whiting, Herbert

Foose, Robert
Kennedy, Richard
Lockwood, Priscilla
Reed, Dennis
Tilton, Joy
Yeaton, Charles

French, Barbara
Kidder, David
Maxfield, Roy
Ryan, Jim
Tupper, Frank

ROCKINGHAM

Allen, Mary
Blanchard, MaryAnn
Coburn, James
Francoeur, Sheila
Katsakiores, George
O'Neil, Michael

Asselin, Michael
Bridle, Russell
Dumaine, Dudley
Gillick, Thomas
Katsakiores, Phyllis
Pantelakos, Laura

Bicknell, Elbert
Cali-Pitts, Jacqueline
Flanders, John Sr
Headd, James
Langley, Jane
Powers, James

Bishop, Franklin
Casey, Kimberley
Forsing, Robert
Itse, Daniel
Norelli, Terie
Quandt, Marshall Lee

Quandt, Matthew
Serlin, Christopher
Weldy, Norman

Rolston, James
Smith, Paul

Sanders, Elisabeth
Splaine, James

Scamman, Stella
Stiles, Nancy

STRAFFORD

Berube, Roger
Campbell, W Packy
Dunlap, Patricia
Hilliard, Dana
Miller, Joseph
Spang, Judith

Brown, Julie
Cataldo, Sam
Easson, Timothy
Johnson, Nancy
Newton, Clifford
Twombly, James

Brown, Lawrence
Chaplin, Duncan
Grassie, Anne
Kaen, Naida
Rollo, Michael

Callaghan, Frank
Creteau, Irene
Heon, Richard
Keans, Sandra
Rous, Emma

SULLIVAN

Cloutier, John
Irish, Christopher

Converse, Larry
Osgood, Philip Sr

Donovan, Thomas
Prichard, Stephen

Gale, Harry
Rodeschin, Beverly

NAYS 178

BELKNAP

Clark, Charles

Millham, Alida

CARROLL

Ahlgren, Christopher

Brown, Carolyn

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Hogancamp, Deborah
Plifka, Stanley Jr
Tilton, Anna

Butcher, Suzanne
Hunt, John
Pratt, John
Weed, Charles

Chase, William
Parkhurst, Henry
Roberts, Kris

Emerson, Susan
Pelkey, Stephen
Robertson, Timothy

COOS

None

GRAFTON

Almy, Susan
Naro, Debra
Williams, Burton

Cooney, Mary
Nordgren, Sharon

Ham, Bonnie
Solomon, Peter

Maybeck, Margie
Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Bergeron, Jean-Guy
Brundige, Robert
Christiansen, Lars
Crane, Elenore Casey
Dyer, Donald
Gargas, Carolyn
Goyette, Peter Jr
Harvey, Suzanne
Hirschmann, Keith
Johnson, Paula
Lefebvre, Roland
Michon, Stephen
O'Brien, William
Price, Pamela
Rosenwald, Cindy
Schulze, Joan
Stepanek, Stephen
Wheeler, Robert

Allan, Nelson
Bergin, Peter
Buhlman, David
Clark, Mark
Desmarais, Vivian
Elliott, Nancy
Gibson, John
Graham, John
Hawkins, Ken
Holden, Randolph
Kopka, Angeline
Manney, Pamela
Mooney, Maureen
O'Connell, Timothy
Reeves, Sandra
Rowe, Robert
Shaw, Kimberly
Ulery, Jordan

Barry, J Gail
Biundo, Michael
Calawa, Leon Jr
Clemons, Jane
Dokmo, Cynthia
Foster, Linda
Ginsburg, Ruth
Hall, Betty
Hellwig, Steve
Jasper, Shawn
L'Heureux, Robert
McRae, Karen
Moran, Edward
Ober, Lynne
Renzullo, Andrew
Ryder, Donald
Slocum, Lee
Vaillancourt, Steve

Batula, Peter
Boehm, Ralph
Christensen, D L Chris
Coughlin, Pamela
Drisko, Richard
Francoeur, Bea
Gorman, Mary
Hansen, Ryan
Hinkle, Peyton
Jean, Claudette
Lasky, Bette
Mead, Robert
Movsesian, Lori
Pappas, Christopher
Rochette, Eric
Scanlon, Michael
Smith, David
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
DeJoie, John
Hamm, Christine
Oliver, James
Williams, Robert

Blanchard, Elizabeth
DeStefano, Stephen
Klose, John
Osborne, Jessie

Bouchard, Candace
Field, William
MacKay, James
Reardon, Tara

Danforth, James
Gile, Mary
Marple, Richard
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Cady, Harriet
Cooney, Richard
Dowling, Patricia
Gilbert, Karl
Hughes, Daniel
Major, Norman
McMahon, Charles
Packard, Sherman
Rausch, James
Welch, David
Winchell, George

Belanger, Ronald
Camm, Kevin
DiFruscia, Anthony
Fesh, Bob
Gould, Kenneth
Ingram, Russell
Manning, John
Moody, Marcia
Parker, Benjamin
Robertson, Carl
Wells, Roger
Zolla, William

Bettencourt, David
Carson, Sharon
Dodge, Robert
Flockhart, Eileen
Griffin, Mary
Johnson, Robert
Mason, April
Morris, Richard
Priestley, Anne
Waterhouse, Kevin
Weyler, Kenneth

Buxton, Donald
Charron, Gene
Dowd, John
Garrity, James
Hopfgarten, Paul
Kobel, Rudolph
McKinney, Betsy
Nowe, Ronald
Putnam, Ed II
Weare, E Albert
Wiley, Robert

STRAFFORD

Bickford, David
Hofemann, Roland
Smith, Marjorie

Brown, Jennifer
Hollinger, Jeffrey
Taylor, Kathleen

Cilley, Jacalyn
Knowles, William
Wall, Janet

Goodwin, Earle
Schmidt, Peter

SULLIVAN

Franklin, Peter
and the majority committee report was adopted.
Rep. Mary Ellen Martin voted Yea and intended to vote Nay.
Ordered to third reading.

Houde-Quimby, Charlotte
Phinizy, James

MOTION TO PRINT DEBATE ON HB 616

Rep. Phinizy moved that the debate relative to HB 616 be printed in the Permanent Journal.
Rep. Phinizy requested a roll call; sufficiently seconded.
The question being adoption of the motion to print debate.

YEAS 236 NAYS 124**YEAS 236****BELKNAP**

Boyce, Laurie
Russell, David

Heald, Bruce
Tilton, Franklin

Morrison, Gail
Tobin, William

Pilliod, James

CARROLL

Ahlgren, Christopher

Buco, Thomas

Dickinson, Howard

Knox, J David

CHESHIRE

Allen, Peter
Dunn, J Timothy
Mitchell, Bonnie
Pratt, John
Tilton, Anna

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Richardson, Barbara
Weed, Charles

Butynski, William
Espieffs, Peter
Pelkey, Stephen
Roberts, Kris

Chase, William
Foote, Sheila
Plifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard
Remick, William

Mears, Edgar
Theberge, Robert

Merrick, Scott
Tholl, John Jr

Morneau, Renney

GRAFTON

Almy, Susan
Cooney, Mary
Ingbretson, Paul
Mulholland, Catherine
Sioimon, Peter

Andersen, Gene
Gionet, Edmond
Maybeck, Margie
Naro, Debra
Ward, John

Benn, Bernard
Hammond, Lee
McLeod, Martha
Nordgren, Sharon
Williams, Burton

Bleyler, Ruth
Harding, A Laurie
Mirski, Paul
Sokol, Hilda

HILLSBOROUGH

Aboshar, Jeffrey
Bergeron, Jean-Guy
Campbell, David
Clemons, Jane
Drisko, Richard
Francoeur, Bea
Goley, Jeffrey
Haley, Robert
Hellwig, Steve
Infantine, William
Kopka, Angeline
Matarazzo, Anthony Sr
Moran, Edward
Pappas, Christopher
Ross, Lawrence
Shaw, Kimberly
Sullivan, Francis
Velez, Hector

Allan, Nelson
Boehm, Ralph
Carew, James
Craig, James
Egbers, Fran
Garrity, Patrick
Gonzalez, Carlos
Hall, Betty
Hirschmann, Keith
Irwin, Anne-Marie
Lasky, Bette
Messier, Irene
Movsesian, Lori
Pilotte, Maurice
Ryder, Donald
Slocum, Lee
Sullivan, Peter
Wheeler, James

Baroody, Benjamin
Brassard, Paul
Chase, Claudia
Daniuk, Caitlin
Elliott, Nancy
Gibson, John
Gorman, Mary
Hansen, Ryan
Holden, Randolph
Jean, Claudette
Lefebvre, Roland
Michon, Stephen
O'Brien, William
Rochette, Eric
Schulze, Joan
Smith, David
Ulery, Jordan

Beaulieu, Jane
Calawa, Leon Jr
Clayton, William
DeVries, Betsi
Essex, David
Ginsburg, Ruth
Graham, John
Harvey, Suzanne
Hunter, Bruce
Johnson, Paula
Martin, Mary Ellen
Mooney, Maureen
Ober, Lynne
Rosenwald, Cindy
Shaw, Barbara
Stepanek, Stephen
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Danforth, James
French, Barbara
Kennedy, Richard
Maxfield, Roy
Reardon, Tara
Tupper, Frank
Yeaton, Charles

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Kidder, David
McMahon, Patricia
Ryan, Jim
Wallner, Mary Jane

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
L'Heureux, Stephen
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

Clarke, Claire
Foose, Robert
Hamm, Christine
Langlais, Thomas
Potter, Frances
Tilton, Joy
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Cali-Pitts, Jacqueline
Cooney, Richard
Forsing, Robert
Johnson, Robert
Moody, Marcia
Powers, James
Robertson, Carl
Splaine, James
Wiley, Robert

Allen, Mary
Blanchard, MaryAnn
Camm, Kevin
DiFruscia, Anthony
Gilbert, Karl
Katsakiores, George
Norelli, Terie
Putnam, Ed II
Rolston, James
Weare, E Albert
Winchell, George

Asselin, Michael
Buxton, Donald
Casey, Kimberley
Dumaine, Dudley
Headd, James
Katsakiores, Phyllis
Pantelakos, Laura
Quandt, Marshall Lee
Serlin, Christopher
Welch, David
Zolla, William

Bicknell, Elbert
Cady, Harriet
Charron, Gene
Flockhart, Eileen
Itse, Daniel
Major, Norman
Parker, Benjamin
Quandt, Matthew
Smith, Paul
Weldy, Norman

STRAFFORD

Berube, Roger
Callaghan, Frank
Cilley, Jacalyn
Heon, Richard
Johnson, Nancy
Miller, Joseph
Schmidt, Peter
Wall, Janet

Bickford, David
Campbell, W Packy
Creteau, Irene
Hilliard, Dana
Kaen, Naida
Newton, Clifford
Smith, Marjorie

Brown, Jennifer
Cataldo, Sam
Goodwin, Earle
Hofemann, Roland
Keans, Sandra
Rollo, Michael
Spang, Judith

Brown, Lawrence
Chaplin, Duncan
Grassie, Anne
Hollinger, Jeffrey
Knowles, William
Rous, Emma
Taylor, Kathleen

SULLIVAN

Cloutier, John
Gale, Harry
Phinizy, James

Converse, Larry
Houde-Quimby, Charlotte
Prichard, Stephen

Donovan, Thomas
Irish, Christopher

Franklin, Peter
Osgood, Philip R

NAYS 124**BELKNAP**

Allen, Janet
Nedeau, Stephen
Whalley, Michael

Clark, Charles
Rosen, Ralph

Flanders, Donald
Thomas, John

Millham, Alida
Wendelboe, Fran

CARROLL

Babson, David Jr
McConkey, Mark

Brown, Carolyn
Morrow, Harry

Chandler, Gene
Olimpio, J Lisbeth

Martin, James
Patten, Betsey

CHESHIRE

Dexter, Judson
Sawyer, Sheldon

Emerson, Susan

Hogancamp, Deborah

Hunt, John

COOS

King, Frederick

Lary, Bruce

Richardson, Herbert

Stohl, Eric

GRAFTON

Eaton, Stephanie

Ham, Bonnie

Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Bergin, Peter
Carlson, Donald
Christiansen, Lars
Desmarais, Vivian
Foster, Linda
Hawkins, Ken
Kurk, Neal
Mead, Robert
Renzullo, Andrew
Tahir, Saghir

Balboni, Michael
Biundo, Michael
Carter, Mark
Clark, Mark
Dokmo, Cynthia
Gargas, Carolyn
Hebert, Raymond
L'Heureux, Robert
O'Connell, Timothy
Rowe, Robert
Villeneuve, Maurice

Barry, J Gail
Brundige, Robert
Chabot, Robert
Coughlin, Pamela
Dyer, Donald
Golding, William
Hinkle, Peyton
Manney, Pamela
Price, Pamela
Scanlon, Michael
Wheeler, Robert

Batula, Peter
Buhman, David
Christensen, D L Chris
Crane, Elenore Casey
Emerton, Larry
Goyette, Peter Jr
Jasper, Shawn
McRae, Karen
Reeves, Sandra
Souza, Kathleen

MERRIMACK

Currier, David
Lockwood, Priscilla
Reed, Dennis

Field, William
Mackay, James
Soltani, Tony

Hess, David
Marple, Richard
Williams, Robert

Klose, John
Oliver, James

ROCKINGHAM

Belanger, Ronald
Coburn, James
Fesh, Bob
Gillick, Thomas
Hughes, Daniel
Manning, John
Morris, Richard
Priestley, Anne
Stiles, Nancy

Bettencourt, David
Dodge, Robert
Flanders, John Sr
Gould, Kenneth
Ingram, Russell
Mason, April
Nowe, Ronald
Rausch, James
Waterhouse, Kevin

Bridle, Russell
Dowd, John
Francoeur, Sheila
Griffin, Mary
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Sanders, Elisabeth
Wells, Roger

Carson, Sharon
Dowling, Patricia
Garrity, James
Hopfgarten, Paul
Langley, Jane
McMahon, Charles
Packard, Sherman
Scamman, Stella
Weyler, Kenneth

STRAFFORD

Brown, Julie

Dunlap, Patricia

Easson, Timothy

Twombly, James

SULLIVAN

Rodeschin, Beverly
and the motion to print debate on HB 616 was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby it ordered to third reading **HB 616-FN-L**, relative to the education property tax and the education equity tax.

Rep. Kurk spoke in favor and yielded to questions.

Reps. Mirski and Soltani spoke against.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the motion to reconsider.

YEAS 152 NAYS 208**YEAS 152****BELKNAP**

Clark, Charles	Millham, Alida	Nedeau, Stephen	Whalley, Michael
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CARROLL

Ahlgren, Christopher	Morrow, Harry	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Parkhurst, Henry	Pelkey, Stephen	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Weed, Charles		

COOS

None

GRAFTON

Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Naro, Debra
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HILLSBOROUGH

Aboshar, Jeffrey	Allan, Nelson	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Gibson, John	Graham, John
Hall, Betty	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Manney, Pamela	Martin, Mary Ellen
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
Moran, Edward	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Shaw, Kimberly
Slocum, Lee	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Danforth, James
DeStefano, Stephen	Hess, David	Klose, John	L'Heureux, Stephen
MacKay, James	Maxfield, Roy	Osborne, Jessie	Reardon, Tara
Whiting, Herbert			

ROCKINGHAM

Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bridle, Russell
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Cooney, Richard	DiFruscia, Anthony	Dodge, Robert

Dowd, John
 Forsing, Robert
 Griffin, Mary
 Ingram, Russell
 Manning, John
 Morris, Richard
 Parker, Benjamin
 Sanders, Elisabeth
 Wells, Roger

Dowling, Patricia
 Francoeur, Sheila
 Headd, James
 Johnson, Robert
 Mason, April
 Nowe, Ronald
 Priestley, Anne
 Scamman, Stella
 Wiley, Robert

Fesh, Bob
 Garrity, James
 Hopfgarten, Paul
 Kobel, Rudolph
 McKinney, Betsy
 O'Neil, Michael
 Putnam, Ed II
 Waterhouse, Kevin
 Winchell, George

Flanders, John Sr
 Gould, Kenneth
 Hughes, Daniel
 Major, Norman
 McMahon, Charles
 Packard, Sherman
 Rausch, James
 Welch, David
 Zolla, William

STRAFFORD

Bickford, David
 Knowles, William

Chaplin, Duncan
 Taylor, Kathleen

Hofemann, Roland

Hollinger, Jeffrey

SULLIVAN

Franklin, Peter

NAYS 208

BELKNAP

Allen, Janet
 Morrison, Gail
 Thomas, John

Boyce, Laurie
 Pilliod, James
 Tilton, Franklin

Flanders, Donald
 Rosen, Ralph
 Tobin, William

Heald, Bruce
 Russell, David
 Wendelboe, Fran

CARROLL

Babson, David Jr
 Dickinson, Howard
 Patten, Betsey

Brown, Carolyn
 Knox, J David

Buco, Thomas
 Martin, James

Chandler, Gene
 McConkey, Mark

CHESHIRE

Butcher, Suzanne
 Dunn, J Timothy
 Mitchell, Bonnie
 Tilton, Anna

Butynski, William
 Eaton, Daniel
 Plifka, Stanley Jr

Chase, William
 Espieffs, Peter
 Pratt, John

Dexter, Judson
 Foote, Sheila
 Richardson, Barbara

COOS

Buzzell, Bernard
 Merrick, Scott
 Stohl, Eric

King, Frederick
 Morneau, Renney
 Theberge, Robert

Lary, Bruce
 Remick, William
 Tholl, John Jr

Mears, Edgar
 Richardson, Herbert

GRAFTON

Almy, Susan
 Gionet, Edmond
 Maybeck, Margie
 Nordgren, Sharon
 Ward, John

Andersen, Gene
 Hammond, Lee
 McLeod, Martha
 Sokol, Hilda
 Williams, Burton

Benn, Bernard
 Harding, A Laurie
 Mirski, Paul
 Solomon, Peter

Bleyler, Ruth
 Ingbreton, Paul
 Mulholland, Catherine
 Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
 Brassard, Paul
 Chabot, Robert
 Craig, James
 Essex, David
 Goley, Jeffrey
 Haley, Robert
 Infantine, William
 Kopka, Angeline
 Michon, Stephen

Balboni, Michael
 Campbell, David
 Chase, Claudia
 Daniuk, Caitlin
 Garrity, Patrick
 Gonzalez, Carlos
 Harvey, Suzanne
 Irwin, Anne-Marie
 Lasky, Bette
 Movsesian, Lori

Baroody, Benjamin
 Carlson, Donald
 Clayton, William
 DeVries, Betsi
 Ginsburg, Ruth
 Gorman, Mary
 Hebert, Raymond
 Jean, Claudette
 Lefebvre, Roland
 Pappas, Christopher

Beaulieu, Jane
 Carter, Mark
 Clemons, Jane
 Egbers, Fran
 Golding, William
 Goyette, Peter Jr
 Hunter, Bruce
 Johnson, Paula
 Matarazzo, Anthony Sr
 Pilotte, Maurice

Rosenwald, Cindy
Smith, David
Velez, Hector

Ross, Lawrence
Souza, Kathleen
Wheeler, James

Schulze, Joan
Sullivan, Francis

Shaw, Barbara
Sullivan, Peter

MERRIMACK

Clarke, Claire
Foose, Robert
Hamm, Christine
Lockwood, Priscilla
Potter, Frances
Soltani, Tony
Walz, Mary Beth

Currier, David
French, Barbara
Kennedy, Richard
Marple, Richard
Reed, Dennis
Tilton, Joy
Williams, Robert

DeJoie, John
Gile, Mary
Kidder, David
McMahon, Patricia
Ryan, Jim
Tupper, Frank
Yeaton, Charles

Field, William
Greco, Vincent
Langlais, Thomas
Oliver, James
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn
Dumaine, Dudley
Itse, Daniel
Moody, Marcia
Quandt, Marshall Lee
Serlin, Christopher
Weare, E Albert

Allen, Mary
Cali-Pitts, Jacqueline
Flockhart, Eileen
Katsakiores, George
Norelli, Terie
Quandt, Matthew
Smith, Paul
Weldy, Norman

Bicknell, Elbert
Casey, Kimberley
Gilbert, Karl
Katsakiores, Phyllis
Pantelakos, Laura
Robertson, Carl
Splaine, James
Weyler, Kenneth

Bishop, Franklin
Coburn, James
Gillick, Thomas
Langley, Jane
Powers, James
Rolston, James
Stiles, Nancy

STRAFFORD

Berube, Roger
Callaghan, Frank
Creteau, Irene
Grassie, Anne
Kaen, Naida
Rollo, Michael
Spang, Judith

Brown, Jennifer
Campbell, W Packy
Dunlap, Patricia
Heon, Richard
Keans, Sandra
Rous, Emma
Twombly, James

Brown, Julie
Cataldo, Sam
Easson, Timothy
Hilliard, Dana
Miller, Joseph
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Cilley, Jacalyn
Goodwin, Earle
Johnson, Nancy
Newton, Clifford
Smith, Marjorie

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Prichard, Stephen

Converse, Larry
Irish, Christopher
Rodeschin, Beverly

Donovan, Thomas
Osgood, Philip Sr

Gale, Harry
Phinizy, James

and reconsideration failed.

DEBATE ON HOUSE BILL 616

CLERK'S NOTE

(References made in the following debate to Senate Bill 302 refer to (Chapter 200 Laws of 2004))

Debate on Majority Committee Amendment

Rep. Daniel Eaton: Mr. Speaker, I rise to oppose the amendment before you at the present time. I feel badly about that because it's from my own Finance Committee. If you look at the committee report, you'll see that Finance on this issue was well divided. About a month ago, this floor passed House Bill 616 by an overwhelming margin from the Education Committee on to the Finance Committee. The Finance Committee ran the bill every direction you could run it, up and down, we do have enough spreadsheets, you can save the money, we can redecorate this Hall with ease and have room to do the balcony. The problem is when we get done with the spreadsheets, what Finance passed out to you here today has no resemblance in any way shape or form to what the Education Committee passed to us.

During the deliberations there were multiple competing ideas and spreadsheets. The amendment before you passed the Finance Committee at least three, possibly four times on a divided vote and it died at least three or four times. This thing had so many deaths I was about ready to call my brother and invite him to join House Finance instead of Senate Finance to give it the proper burial it should get. It has been divided from the get-go. What you finally wound up with is Senate Bill 302 in sheep's

clothing. The bill before you right now does not change the status quo. It keeps the wealthy towns wealthy. It keeps the poor towns poor. It puts a cap of 110% on what the poor towns can get from what they're getting today and it keeps a cap of 90% of what the wealthy towns are going to get from what they're getting today.

It is not what the people asked you to do. They asked us, at least my constituents did, I'm assuming yours did the same, they asked us to come here and solve education funding once and for all so they can get it off their backs and get it off our backs and be able to move on to the other issues of the state. The amendment before you at the moment insures that this is an ongoing perpetual issue. You will be back in two years, if you're lucky, or maybe it you're unlucky, depends on your attitude. You will be back in two years redoing this exact same formula.

There is another alternative. Should this amendment fail, there is another amendment available. There are spreadsheets in the back, the amendment is printed in your calendar. That amendment falls more along the lines of House Bill 100 in formulas that were introduced earlier and has been retained by the Education Committee. It immediately shifts money to the poorer towns. It immediately shifts money away from the wealthier towns and it sets a formula of minimal transition and as that transition depletes all of it goes into a formula to continue giving money to the poorer towns.

If you want to keep the status quo, if you want to stay on track with what we have been doing for the last decade which is putting a chink in the armor but never sealing it up and getting the deal done, if you want to keep this as an election issue for the next decade, I encourage you to vote for the amendment on the floor right now.

If you want to get the job done, and if you want to put in an education funding system that has breadth and life and can continue on so we don't redo this issue every 18 months or two years, then I urge you to vote against the pending motion and look at the next amendment up on deck. There will be a couple other folks who will be more than happy to answer any questions. I hope you look at the numbers and I urge you to vote this motion down.

Rep. Hughes: Thank you, Mr. Speaker. With that warm welcome, I'd like to give you a brief overview of our bill, House Finance Committee. The bill that was approved is an amended version of House Bill 616, the education funding plan that was passed by the full House two weeks ago. It incorporates the central themes of the original bill. The amendment plan provides for a total state grants \$460 million, compared to \$454 million in '05. The plan relies on the 28-cent cigarette tax that you thankfully passed this morning. The distribution formula is similar to that contained in the earlier House approved plan. That plan was recommended by the House Education Committee. It began with an adequacy amount of \$3,580 and \$5.60 per thousand of equalized property value. That's a measure or a test of a town's ability to raise enough property taxes to fund the adequacy amount.

Please understand that is not the state-wide property tax. As in the original plan that we passed a few weeks ago, the state-wide property tax is eliminated. Therefore there is no provision for property tax relief because we do not have the tax. The previous speaker just mentioned that this was similar to 302. This is a good example of why it is so dissimilar from Senate Bill 302. Senate Bill 302 had a property tax and it had over 50 donor towns. This bill has none and it has no property tax.

Those municipalities that cannot raise the adequacy amount on their own, at \$5.60 per thousand, would receive baseline education grants. That grant would be put in there to makeup the shortfall. It is the first source of funding in this plan. On your spreadsheets, if you look at them, you arrive at your base grant by taking your per pupil amount and subtracting the equal value calculation, that's line 3 and line 4, and they equal line 6 in your sheet which is called base grant. The total amount of the base education grant is \$122.7 million. That's approximately 26% of the total funds of this bill.

The second source of funding, \$289 million or 63% of the bill, would be distributed on an education equity index formula. You'll hear this often times referred to as the EEI formula, education equity index. This, too, is new to this House. It was passed here a few weeks ago. It comes originally from the Governor's plan, HB 100 when he started talking about an education funding plan. It's completely different than Senate Bill 302. The formula compares each municipality to state-wide averages in six different areas. These comparisons are weighted and compared against state-wide averages. I will run through them now with their averages: 1) median household income, that comprises 20% of the weighting; 2) equalized property value is 40%; 3) free and reduced lunch eligibility is 9.5%; 4) English as a second language .5%; and 5) test scores is 15%; and 6) graduation rates are 7.5%. One factor that was originally contained in the Governor's plan, the college

matriculation rate, has been eliminated from the EEI. To get to the EEI equity unit, which is your line 7, you would add up those six figures and then divide them into .925 and I'm going to leave it at that. It goes on and then if you go through the formula, you will see what the state education assistance grant is in line 8.

A third source of funds is included in this bill and those are transition grants. There are \$48 million in transition grants or 11% of the total. If a municipality would receive in fiscal year 2006 less than 90% of what it received in 2005, it would be getting an additional grant to bring it up to 90%. Each year thereafter, each municipality would similarly be guaranteed at least 90% of its previous year's grant. There is also a ceiling and each municipality's total grant would be limited to 11% of the previous year. Finally each year beginning in 2007, as the total amount needed for fund transition grants is less than the amount for the preceding year, as we're going down, 50% of those savings would be flowed back into the formula and added to the amount available for distribution under the EEI formula. Also any funds that come into the education trust fund from the general fund would no longer lapse back into the general fund. If there was a surplus they would stay in the education trust fund. And that is how this formula works.

It's a good bill and both committees, I might add, the Education Committee and the Finance Committee did their work and did a good job. They worked openly, they looked at many, many bills. They allowed time for input, they had open hearings and due deliberation on all the bills. This particular bill, I feel the Finance Committee bent over backwards to allow everybody to present their best thoughts on education funding. Three or four times, we took this bill and reconsidered it, so as to allow those that said, "Gee, I got a better idea," to come in and give their idea. And every time we ended going back to this formula because in every one of those plans there seemed to be some kind of what I would call a "fatal flaw."

This morning earlier we heard about constitutionality. It seems in this House that when anybody doesn't like any bill, they say that, "Well, it must be unconstitutional." It leads me to think that we must have more lawyers in this New Hampshire legislature than we have in the New Hampshire prison system. And in the prison system every prisoner's a jailhouse lawyer. The only people that can decide whether this is constitutional is the Court. It is our job to legislate. Legislators legislate. We do what's best for our state. The Governor can govern and the Supreme Court can adjudicate. And that's what we have to do, is our best job to legislate.

This is a real education bill, it's not a shadow of something we've had before. It's funded with real money, and fits into a real budget that we've passed. This works with the \$460 million that we have into it. And it's a real bill, with real money for real New Hampshire children, and towns and municipalities that need this assistance.

I hope you'll support the committee and the work that we did to bring this bill to you. It's a good bill and it deserves your consideration.

Rep. Peter Allen: Thank you very much, Mr. Speaker. Thank you for taking my question, Representative. My question is, what relationship does the \$3580 adequacy allowance have to the cost of an adequate education?

Rep. Hughes: Thank you. \$3580 figure is arrived at by taking the figure we currently use in Senate Bill 302, which has been used for this year, and adding to it the rate of inflation. Thank you for the question.

Rep. Peter Allen: Are you telling me that you believe that an adequate education only costs \$3580 a year per student?

Rep. Hughes: What I'm telling you sir, is that is what we are funding for the state portion of adequacy, for the state portion of the state's responsibility to education. That's a base figure to come off of.

Rep. Peter Allen: Am I wrong in believing that the courts found that it was the state's responsibility for funding an adequate education?

Rep. Hughes: As I stated before, that's a very debatable issue and until any of these bills wind up in court, you don't know what the court is going to do.

Rep. Carter: I thank the distinguished member from Newcastle and my friend for yielding to the question. If I may ask, Representative, isn't it so that when you have a plan that uses an EEI value to distribute aid and then aid is established at a certain level to a community based upon its need, and then you put a 10% cap on aid to that community such that the community then receives less than the EEI formula told you that it was entitled to, that you completely thwart the policy of the bill you have offered here today?

Rep. Hughes: Thank you, Rep. Carter. No, I don't believe you do. The fact of the matter is we handle transitions both ways. There are towns that are receiving funds, there are towns that are taking funds, and it is a transition, and it goes out over a period of years. Every year we are reducing certain towns by 10%. Those other towns that may not get as much money this year, the fact of the matter is that if they are truly deserving, this formula because of inflation and because of the 50% of recapture from the transition fund will be getting plowed back into EEI and they will certainly catch up in time. Thank you.

Rep. Ward: Thank you, Mr. Speaker. Honorable colleagues, I stand here opposed to the Finance amendment to House Bill 616. I would first like to state that I appreciate the hard work the Finance Committee has done and I respect the Finance Committee tremendously. They are the people who have to make the tough decisions every session in Concord. But, I do believe the Finance Committee makes drastic changes to the education funding policy that the Education subcommittee and Education Committee came up with. Drastic changes were done to the distribution in the formula, and drastic changes were done in the policy. Let me be clear. The Education funding subcommittee is strongly opposed to this amendment. Let me also be clear. The Education Committee as a whole is strongly opposed to this amendment. We worked nights, weekends for weeks trying to find an adequate, constitutional and fair education funding plan.

The Finance Committee amendment does accomplish a number of things for the benefit of wealthy communities. It reduces the base grants by \$31 million which this base grants are put in place to distribute money to the poorest communities in the state. The Finance Committee also reduces the per pupil spending from \$4,474 to \$3,580. I do not believe that is an adequate amount. The Finance Committee also increases the transition money to transition towns by \$8 million.

The Finance Committee also reduces the amount of money the poorest communities can get by capping it at 10%. As Representative Carter stated earlier, I believe this is unconstitutional. Limiting the amount of money that poorer communities need to fund an adequate education severely undercuts and denies what the Supreme Court stipulated when they did their last Claremont decision. The effect of these changes is clear. They take money away from the poorest communities and give them to the rich communities. The Finance Committee increases approximately \$5 million to the four richest communities in New Hampshire, while taking away approximately \$5 million from the four poorest communities in New Hampshire. Berlin, Lisbon, the poor plaintiff towns are losing in this formula.

Honorable colleagues, our fine Speaker called 302 a criminal act. Well, fellow Representatives, we are codifying this criminal act if we support the Finance Committee amendment. Thank you for your time and your patience. I will take no questions.

Rep. Dodge: Thank you, Mr. Speaker. I didn't realize that I was such a criminal today by taking all this money away from everybody. Back on March 23 by a vote of 241 to 121, you sent this bill to Finance and when we got it into Finance, it came with a price tag of \$497 million. Well, to be very, very specific about it, ladies and gentlemen, we just don't have \$497 million and the best we could do was \$460 million.

When we considered this we had people come in from all areas, the Governor's people came in three or four times, members of the Education Committee came in a few times, some of them, I'm not going to get into whether or not they had a legal meeting or not, but it doesn't make any difference. At any rate we had so many spreadsheets, as my good friend, the Representative from Stoddard says, we could line this whole Hall. However, in the final end of it, as my good Representative from Newcastle has said to you, this is the very best we could do with the resources that we had available to us. We urge the House to consider what we have accomplished relative to education funding. We know it is not a perfect bill, however, it is a vast improvement on Senate Bill 302 and bears no resemblance to 302.

We have eliminated the broad-based state-wide property tax. We have done away with donor towns. We have negotiated in open and public meetings held by both the Education and the Finance Committee. We had no closed door sessions. Nothing. As a matter of fact, the mere fact that we told you, we considered this bill five times, basically for reconsidering so other people could put their bills in it and every time we came back to this one here.

House Bill 616 provides a responsible transition in order that we may move forward as a state with a true education funding plan that is fair, and is equitable and we urge you to please support the Finance Committee and thank you very much.

Rep. Marjorie Smith: Thank you, Mr. Speaker. Mr. Speaker, I rise to oppose the committee amendment. There are a number of reasons to oppose the committee amendment, actually there are myriad of reasons to oppose the committee amendment and I wrote about them very briefly in my blurb and I'm sure you've all read the blurb and memorized it so I don't have to repeat it.

But the issue that I'd like you to focus on is that frequently things are not what they seem. Sometimes we label something one way when it really means something else. We sat here this morning and discussed Ways and Means revenue estimates as if the Ways and Means Committee opens its wallet, pulls out all the bills and the coins and adds up what they have, and then says, "this is how much money we have." We listened to the chairman of the Election Law Committee and others talk about how perfect the Ways and Means Committee is. Now, those of us who serve on other committees know that we're not perfect, so why would we expect the Ways and Means Committee to be perfect? In fact, the Ways and Means Committee's estimates from last year were off by \$100 million, and yet, we voted as if the Ways and Means's estimates were exactly on target and have always been.

We have the same problem here in this bill. We call this bill an education bill. This bill has nothing at all to do with education. It has everything to do with property tax relief and property tax relief that is not addressed in the best possible way to solve the problems caused by our reliance on property tax. In this bill an effort was made to combine two very, very different plans. As a result the bill really doesn't resemble any animal that any one of us is familiar with.

The first half of this bill is based by and large on equalized property valuation. In the second half of the bill, there is a formula and what I would like to say is that 40% of the second half of the bill is based on property valuation. In fact, it's actually a little more than 40% because we removed some other factors. You look at this bill and look at where the money goes. You look at the problems that you have in your local school districts. I would imagine your local school districts talk to you about concerns about special education as committed as we all are. Mr. Speaker, my mother told me never to talk when someone else was speaking.

Deputy Speaker Weyler: House will be in order, please give your attention to the speaker, anyone of us could be in that position as some point.

Rep. Marjorie Smith: Thank you, Mr. Speaker. When we hear from our school districts, we hear that they are committed to delivering appropriate education services to every child and we hear that in some districts there is a struggle to meet special education costs. There's no mention anywhere here of special education. We know that there are school districts that cover a very large geographic territory, where every child is bused, many children bused long distances. There's nothing in this bill that deals with that. When we look at what our local districts ask for, the questions they raise, we do not see those questions answered in this amendment. If we want to address the inequities that are caused by excessive reliance on property taxes, then I think we ought to call a spade a spade and do that. If we want to address the problems of how to establish a state definition of an adequate education and then find a fair and equitable way to honor that definition, then I think we ought to do that. When my colleague stands up as says we only have \$460 million, and therefore, we have to cram whatever we can into that pot, we have to deal with the reality that \$460 million is what we are willing to spend. If that's what we're willing to spend, fine, then we ought to find a way to spend that money in the most fair and equitable way. And Mr. Speaker, the Finance Committee amendment does none of those things. Thank you.

Rep. Kurk: Thank you, Representative Smith. Do both the Campbell amendment and the Finance Committee amendment have the same base amount of \$3,580 to determine that part of the \$460 million that's distributed through the first part of the formula?

Rep. Marjorie Smith: Mr. Chair, I was not given the privilege of seeing this amendment until this morning, the Carter amendment, although I was told I would receive it two days ago. So I am not in a position to answer anything about the Carter amendment. I'm addressing now only the issue before us which is the Finance Committee amendment.

Rep. Chandler: Thank you, Mr. Speaker. Members, I do rise in support of the committee amendment. I find it a little ironic that I am up here on the same side of the education funding issue as the member from Newcastle. (Some of you may get that and those who don't I'll explain it to you afterwards.) I've been unfortunately involved in this education funding dilemma in a variety of roles for far too many years, but nonetheless, that's what we've been elected to be here to do. A little over four years ago, when I was in my former position, I was asked the question "Was I going to solve the education funding permanently in this state?" I said, "We'll solve it for two years. And in two years we will solve it again." And I took a lot of flack for that, newspaper editorials

and everything, but we're still here doing it and I will guarantee you that no matter what we do today, we will be back doing it again and I think we should. I think every time, in my opinion, despite what others have felt, and I think this is the thing, that every time that we have dealt with this issue we have made improvements to it. I think that is a good thing. But if anyone thinks that no matter whether this version passes, the other version passes, or whatever passes, people aren't going to be back here either next year or in two years to try and make changes to it, they are living in a different world than I am, I think. So I think we need to consider that. The idea is to try to make it as good as we can. I think the Finance Committee amendment does that. The one thing I've always tried to do in whatever position I've had in dealing with education funding is try to be fair to the communities involved. The one thing when we started the donor town issue, when this whole thing first started, my goodness, that's all I did was represent donor towns, I think, but there were a lot of others other than the ones I represented. I tried to do a phase-in. I thought that was the proper way to do it, spread out the impact whether it be over two, three or five years for the donor towns. Didn't work. I felt then, and I feel now that would have been the fairest thing to do. Conversely, the fairest thing to do, we can talk about the wealthy communities, the so-called wealthy communities, and we know who they are, the poster children for this, but the fact of the matter is there are poor people in those wealthy communities, too, and if their taxes are going to be affected, we have to take consideration of that. I believe the fair thing to do is to phase out, I guess, what the wealthy communities were getting. We need to target more money to the poorer communities. This amendment will do that. But we also have to be careful to what we're doing. Communities have passed budgets, they've made long-term plans. Just let's be fair, let's ease into it, be fair to those people. That's why I support this amendment and I would ask you to do the same. Thank you.

Vote on adoption of the majority committee amendment
roll call Y-134 N-227 – amendment failed

Debate on Floor Amendment (1186h)

Rep. W. Packy Campbell: Mr. Deputy Speaker, I move Ought to Pass on HB 616 amendment 1186h. This amendment is consistent with House Bill 616 as passed by this House. This amendment seeks to equitably share the burden of state-wide education while maintaining the concept of targeting money to the neediest communities in our state. This bi-partisan amendment is supported by a super majority of the Education policy committee. This bill offers us an opportunity to send on to the Senate a bill based on principles, not on political expediency and vote counting.

This bill takes the original policy as contained in House Bill 616 and fits it into a \$460 million box. In doing so, targeted aid is being reduced by some \$33 million, about 7%. Transition grants are lowered by 11%, from \$44 to \$40 million. The end result being that all communities would share, all communities would share in the burden of the shortfall. Additionally, we take the policy committee's position and we vary your transition grant based on your factor in the formula. Your EEI factor is what determines your transition grant, not the political necessity of securing votes from towns.

I wish to emphasize that the amount of money any given town is reduced, on average, is really just a small portion of their overall municipal tax rate. For example, let's look at Bedford. That great town would see a net loss in funding of \$1,855,000. Although a large sum, that figure is just 65 cents on their tax rate, which is just a 4% increase in their local tax rate to stay even. Amherst loses a large number as well, \$1,800,000. That's just 6% difference in their 2004 tax rate.

On the flip side, Berlin with a tax rate of \$47.09 per thousand evaluation, sees additional aid under this version of \$3,101,000 which represents a reduction in tax rate disparity, disparity by about \$10.93, or a 23% reduction in their tax rate. How many of my fellow members here today represent towns and cities with tax rates of \$36 or \$47?

Let's look at our friends from Hooksett, a good middle-tier town which loses \$706,000. That figure represents 58 cents on their tax rate of \$22 per thousand. That's a 2.5% increase. I think that makes sense to provide the aid to the needed places. My good friends, percentage changes of 2.5% to 6% on local tax rates are not going to bankrupt our municipalities or change the political landscape of any such municipality. It will allow us to abide by our constitutional, moral, and I say just generally, policy obligation to ensure that every community can provide for an adequate education to every child in the state. This amendment varies transition based on your EEI score, recycles 100% of the reductions in transition grants back into targeted aid where it should be.

It defines for the first time the cost of an adequate education. Defines it. It says we fund an adequate education by targeting base grants and EEI's and then we fund it. We, the legislature, have the obligation, the responsibility to say, "This is the cost of adequacy and this is how we fund it." Ladies and gentlemen, all I want to do is tell you what we're going to do, say what we're going to do and then do what we said. That's all we have to do. Is it perfect? No, it's not, it's not perfect. Do I think that I ran the spreadsheets that would cover the whole hall, the gallery and the rest of the building, I ran them 900 ways to Tuesday and I looked at them in all kinds of different ways. I think this bill in and of itself is just another spreadsheet. Throw your spreadsheets out, please. Throw 'em out. But pass this bill on to the Senate because it's based in principle, the principle that the neediest communities get the money. Do I think the Senate is going to add special ed? Maybe they should. Thank you, for these reasons I urge on behalf of the majority of the members of the Education policy committee to support the floor amendment to House Bill 616. Thank you.

Rep. Rowe: Thank you, Mr. Speaker. I thank the Honorable Representative. Small town, 11,000 population, promised \$4,545,000 this year. The voters of this small town relied upon that. Under your bill they're going to get \$2,203,000. They're going to lose \$2,342,000. This is a town that has low-income elderly, low-income single parents, low-income working families. You're cutting it by almost 60%. Is that fair?

Rep. Campbell: Representative, in order to answer that question, I would need to know what town. I didn't catch that.

Rep. Rowe: These are the figures on your spreadsheet, irrespective of the name of the town, it is the town of that population.

Rep. Campbell: Representative, I would just say in general the towns that lose money have billions of dollars in equalized assessed value for their communities and they are able to withstand these costs at very low percentage increases in their taxes in spite of how high they are. Thanks for the question.

Rep. Stephen L'Heureux: Thank you, Mr. Speaker. Mr. Speaker, the Education Committee worked long and hard on a number of bills. In addition, in the last few weeks, a core group of Education members worked on this amendment. At that point, when some of these spreadsheets started coming out, a lot of us had numerous questions as to which one was the right bill to pass. At this point in time, this is the right amendment to pass. The majority of the Education Committee believes that and I urge you to pass it. Thank you, Mr. Speaker.

Rep. Carter: Thank you very much, Mr. Speaker. I would like to begin by extending my thanks to the leadership of the House for your position at this time. I know everyone has worked very hard in Finance and Education, and in this House in general, to bring forth a bill that can work for all the people of the state of New Hampshire. It's been a long journey for many. Everyone has worked hard. It's very rewarding for me to be able to be here and to be able to offer this plan and backed by so many members of this House. Please vote "yes" here when we get this opportunity very shortly. We will then have a solid bill that we can take forward to the Senate and a bill that we can be proud to defend in Committee of Conference. I thank you all very much for the opportunity and please vote "green."

Vote on adoption of floor amendment #1186h
roll call Y-211 N-151 – amendment adopted

Debate on HB 616 as amended

Rep. Boehm: Thank you, Mr. Speaker. Fellow representatives. I represent Hillsborough District 27 which includes Litchfield, Pelham and Hudson. I'm also vice-chairman of the Litchfield School Board. I'm speaking against this bill as amended because when we started this procedure the town of Litchfield, for example, with SB 302 and the original HB 616, would get \$1.00 decrease in our \$20.00 tax rate. Now, we're getting with the Finance committee initial bill was zero. Now with this amendment we're going to lose a dollar, our tax rate is going up \$1.00. I find this strange, this municipality that has a tax rate of \$13, is getting an increase in revenue. Yet, two of our towns, Litchfield and Pelham which have tax rates of more than \$20, and in the process of building schools because we are growing communities in the southern tier, have a \$20 tax rate and we're losing money. And in both of our towns we are losing a dollar on the tax rate.

Some things that I don't think are right in HB 616. We have a portion of the bill that rewards the bad, we're giving money to towns that do poorly in education rather than dangling a carrot to them and saying, "Hey, if you do better, we'll give you more money," which is a better way of doing

it. Also, we have some municipalities that I look at as double-dipping. One of the things that should be in the bill, in the formula, is how much money do these towns get in Title I grants. Title I grants are for the, depending on how much people you have in your town that have minimum income or eligible for reduced or free lunches, yet, we're funding that also. OK, we should offset that amount that municipalities get by Title I grants. So, I appeal to you, this is not fair. One thing that also needs to be, I believe, in the bill, is for growing towns. What about a formula? OK. We have a \$20 tax rate in Litchfield. We are a residential community. We do not have any industry or any commercial, and it's not because we don't want it, we have land zoned for that purpose, but it is our location. We don't have major highway. As luck would have it, many years ago they decided to build the highway and the railroad tracks on the other side of the river. So, we're suffering. We would have had a circumferential highway ten years ago, but President Clinton saw that we weren't gonna get that. So now we're stuck with land zoned for commercial, light industrial, but we can't build anything because we don't have the infrastructure. So, it's not that we don't want aid in our property tax, it's just that we're not in the right place to get it. So, it's not fair to hurt property poor towns with this bill and we are really hurting with this because we are in the process of trying to build a new school because we're growing. With this bill we're guaranteed next year, if this passes and goes through the House, we will not be able to build a new school because we are not going to get the grant that we had budgeted for, the amount of money that we had budgeted for, we're going to get basically \$2.00 less than what we budgeted for. So, please vote "no" on this. Thank you.

Rep. Pratt: Thank you, Mr. Speaker. I take no pleasure in rising now to oppose the work of both the Education and the Finance Committees. I know how hard many have worked, the long hours, and I appreciate that work and that effort. But I hope by the time I'm done, at least the gentleman from Newcastle will have some sense of why some of us believe so passionately that this bill does not meet the constitutional requirements of this House or of this State.

Mr. Speaker, 50 years ago, the executive and the legislative branches of the states across the south, Mississippi, Alabama, Georgia, others, were engaged in a process of massive avoidance of the requirements imposed upon those governments by the Supreme Court of the United States. Mr. Speaker, today, the executive and legislative branches of the state of New Hampshire are engaged in a similar effort of avoidance of the requirements imposed upon us by the Supreme Court of our state. And I want to develop this analogy a little bit so that you understand at least where I'm coming from. We all know that after the Civil War the South developed gradually a program called "separate but equal," and that eventually it even had constitutional approval. We also ought to know that beginning in the 1930's and moving right through the 40's and the 50's, the courts of this land began to tell the states of the south, "If you are going to live by that formula, you must live by both sides of it. If you are going to have separate, you must have equal." And we all know that the states of the South could not, would not and did not hear the warnings of the court. And so, in 1954, the Supreme Court brought down the hammer, and it did not say my friends, "From now on, you must have equality." It said something far different. It said, "From now on, the doctrine of separate but equal no longer holds in this land." Radical, radical difference. And it was that difference that all these legislators and executives in the South were trying to avoid in the days and years following *Brown*.

Now it also happened, my colleagues, that across the land in the North, people began to look at education and how we deal with it. Increasingly, they discovered that if a kid comes from a rich school district, he or she has a pretty good chance of having a decent education. And if a kid comes from a poor district, on average, he or she is going to get the short end of the stick. So lawsuits began to be filed from one end of this nation to the other and in every case, every case where those lawsuits reached the highest court, the court found that educational funding based on local jurisdictions could not stand and had to be changed to a state-wide basis.

New Hampshire came late to this discussion, as we do with many discussions. But in 1981, the case was filed in this state and started its way through the courts. And in recognition of that, in 1985, the legislative and executive branches came to a solemn agreement – which I always thought they named after some mystical Swiss mountain – and in that agreement they agreed that they would top off the local districts so that every student in New Hampshire would have an opportunity for an adequate education. And the ink wasn't dry on that agreement, as we all know, before we started not to live up to it, biennium after biennium after biennium. And in 1991, in *Claremont I*, the Supreme Court of New Hampshire sent a shot across our bow, in the same way that the courts

had sent shot after shot across the bows of the South prior to *Brown*, urging us to live up to what we had agreed to do. And we did not, would not and could not. And so, in 1997, the hammer came down. And just as *Brown* stood "separate but equal" on its head and said, "No more, never again," so the Supreme Court of New Hampshire radically altered education in this state.

I want to try and state in layman's language the two fundamental changes as I see them that came out of the *Claremont II* decision. The first. Prior to *Claremont II*, a student in New Hampshire was a Walpole student first, or a Dover student first and a New Hampshire student second. After *Claremont II*, a student in New Hampshire was a New Hampshire student. No longer was our responsibility as the town of Walpole to do the best we could for our kids. Now we were all in it together. They were all our students and we had the duty to ensure that all of them got an adequate education.

The second thing that it did, equally important, was to stand the funding on its head and I want to thank my colleague from Dover for the analogy. Prior to *Claremont II*, it was the duty of the town and the locality to "fill up the tank" and our obligation, as we said in *Augenblick*, was to top it off. If you could fill it only halfway, we'd put the other halfway in.

After *Claremont II*, it is the duty of the state to fill that tank and the towns, if they have the funds and can see fit, can upgrade from regular to diesel, or regular to supreme or whatever, but the duty was ours, is ours, today, and that is a state-wide duty.

When we do what we do today, and let me make very clear, the bills, and it didn't really matter to me which amendment came before you because they both in essence do the same thing. They are both saying, "Cross my heart, hope to die, this time we really will do targeted aid right. I promise you." And of course even as they are saying it, they happened to figure out that they needed to drop \$37 million from the formula. What we are doing is wrong. It violates the *Claremont II* decision. At least if we're doing it, let's be clear we know what we're doing.

And finally, Mr. Speaker, as long as I've got the podium, I'd like to say a word to those folks who are part of our government, who labor across the river. That word is, "Stay strong, stay strong!" What you said in *Claremont II* in my judgment was absolutely right. It might bring us kicking and screaming into the third millennium but it needs to be done. Some day millions of students, probably unknowingly, will thank you for the courage and the wisdom which you had.

Thank you, Mr. Speaker.

Rep. Vaillancourt: Thank you, Mr. Speaker, I'll try this microphone this time. It is with a great sense of sadness that I rise to speak against this because what I told you three weeks ago when I spoke against the bill on its way to Finance, I wish I could say that everything I said was wrong and that Finance has managed to correct all the little errors with this and pull the miracle, the rabbit, out of the hat and make it better. They haven't done that, unfortunately. And as the previous speaker alluded to, the amendment that just passed is pretty much the same as Finance except that it gets aid to the towns that need it most, Claremont, Franklin, indeed Berlin, indeed Keene, by removing that 10% cap. So I think it's slightly better than the Finance Committee one, although the four major errors that I sadly pointed out three weeks ago are still there.

This bill could not be accomplished without a new tax. No big deal for me, I favored raising the cigarette tax. In fact, I would have put a beer tax on it, so that's not a problem for me. Second problem, they had to make major changes for the worse in the bill we sent over. The hardship portion was removed, about \$22-23 million a year, \$45 million removed. So they added \$87 million in new taxes, they removed \$45 million in a vital provision, I mourn that. I think we could add it back in. Rep. Bickford and I have an amendment that would do that. Of course, you would have to raise the rooms and meals tax by 1% to do that, I don't think there's the will for that, so I won't even offer it. The second problem that made it get worse in the intervening time. Third problem, and if I could live with the first two, I can't live with this one, is the unconstitutionality of this bill. Previous Representatives said that it is not for us to decide on constitutionality. I happen to have in my hand a resolution which neither the majority, nor the minority appears willing to endorse. It say if we pass this we will send it on to the Court for a ruling. Nobody wants to do that. Fine. I was willing to put my principles aside and say that if you agree to do that, I'll agree to support something even though I believe it's unconstitutional. But since there is no willingness to do that, I will not support something that I believe is unconstitutional. It's worse than that. We talk about state-wide property tax and donor towns, and we've had to live with that in years gone by. A lot of people say that it's only a \$20 million shell game, we move the shells around for only \$20 million. What we have done with this bill, if we pass it today, is take a \$20 million problem

and make it six times as bad. If you take the spreadsheet that I'm sure you have, that is from the House Finance 616 Amended and it would be the same part to the version that is already passed, if you look in Column 6 you see the "base grant." There are a lot of towns that have no number in there because what that base grant is, let's take the first town Acworth, for example. Acworth needs to raise \$521,000, they can only raise \$382,000, so they should get \$139,000 – fair, good, equitable. Go down to the first town where there is no number in there, that would be Alton at 691 students, \$3,580 per student, Alton needs to raise \$2.47 million, in other words \$2.5 million for that amount.

Rep. Carter: Point of Order, Mr. Speaker. I believe the Representative is referring to a spreadsheet which is not under consideration at this point by this House.

Rep. Vaillancourt: The numbers are the same for the bill that you just passed, so the spreadsheet, as far as this goes, is indeed the same.

Rep. Carter: Further point of order, Mr. Speaker.

Rep. Carter: The numbers are not the same. The \$3,580 is an incorrect figure and he is looking at a spreadsheet not relative to the amendment that has been passed.

Rep. Vaillancourt: May I suggest that both bills have a dummy state-wide property tax, and this is where we are perpetuating fraud on the people of this state, if we pass this. We are raising \$716 million to define adequacy. We're not just picking that 716 out of the air. We're doing it by assuming that we're using a \$5.60 tax. This is where the fraud will never pass constitutional muster. What we are saying to the court is that we are no longer calling it a "state-wide property tax" but you know it really is one. That's why I say that when you do that, it is nothing short of fraud. It's worse that what we have because we're just blatantly doing it. I will go back to my example now, Mr. Speaker, if I may.

Because both plans raise that base money, and both plans have the same equalized assessment per town, the same number of students, so Alton which needs to raise \$2.47 million can actually raise \$6.89 million which means Alton gets to keep \$4.4 million. In other words, under the old plan, that would be a state-wide property tax which would come back to the state. If you add up all those little blank lines in Column 6, you don't get \$20 million, you get \$122,515,000 that we are forgiving. Like the ABC Plan asked us to do, forgive more than they were willing or able to raise. So we're committing a massive fraud on the people by passing this bill, even though it's a better bill than the one we defeated with Finance. In a sense, Mr. Speaker, it's not perfect either, because let's go to the spreadsheet the Representative, the sponsor of this bill just passed out. Not only does Alton get to keep \$4.42 million, that we should be getting back, but Alton under this actually receives a grant. Unlike the Finance Committee plan which was voted down, Alton, certainly one of the wealthiest towns in the state, now gets \$90,000. Bartlett, which was a donor town, now gets \$203,000. Portsmouth, instead of giving \$8 million which they would if you did the math as I just did earlier, Portsmouth now gets to keep over a million dollars. This is fraud, fraud, and double fraud and shame on us if we approve it.

Now earlier in the day, we were told that if we didn't approve the budget, we were in big trouble. We had nothing to fall back on. If we don't approve this, I'm sad to say, because I don't want to fall back on current law, but I would rather fall back on constitutional, current law than go ahead with this piece of unconstitutional garbage which I believe is going to waste more time. So, although current law isn't perfect, do you know, it's really not all that bad. If you were at a hearing in January, we already do targeting with current law. According to the figures for next year with current law, Berlin gets \$5,616 per student, Bedford gets \$1,289 per student. That's five times more for the Berlin student than the Bedford student. And Manchester, just to be honest with you, is right about the middle, \$2,985, the middle is \$2,442. So we already do targeting. Currently law is not perfect but it is not as bad as what we would replace it with. So to avoid the fraud, I sadly say, what I told you four weeks ago is right. I wish it weren't, but it is. I had my bike in Montreal over the weekend, spending a lot of time riding and every now and then I would stop and look at these figures, and every time I looked at them, especially when I got the calculator out, they came up making less sense. And when I found the \$122 million that towns raise that they don't need, that they should give back, I don't need to send this to the Court. If we pass this, I know it will be struck down because somebody else will do that job. I'm not going to vote for something I deem unconstitutional. No, I'm not a lawyer, but I can use a calculator, and I can read and when it says that if the tax on the property is used, even though you change the name of it, by some kind of fraud, it still means that it must be fair and proportionate and it is not. Unless you want to go to an income tax, you are going to have to keep that state-wide property tax. Thank you.

Rep. Gibson: Thank you, Mr. Speaker. Is the member from Manchester aware that many cities and towns across this state have already set their budgets based upon what we passed last year and that if we adopt this House Bill 616, anything but constitutional bill, that we would in many towns cause a property tax increase on the second part of the tax bill coming in December?

Rep. Vaillancourt: Yes, but the towns that are going to do better won't be complaining. The Berlins, Keenes, Claremonts won't be complaining when they get more than they thought they would be getting. What your question gets to is if it's equitable to have towns thinking at this point that what they have already done is accurate. And I think the point you are getting at is that it would be a shock. It would indeed be a shock, in some cases good news, but in many cases bad news. Thank you.

Rep. Casey: Thank you, Mr. Speaker. Thank you, colleagues. I can't possibly rise to the lofty words of the prior two speakers but I have something much better than that. I have brevity. I rise to support the Eaton-Carter #1186h and I rise to do so for four very important, crucial reasons. Number one – fairness. Number two – fairness. Number three – fairness. Number four – fairness. This bill is fairer because it is closer to the version that passed out of the Education Committee, nearly unanimously. It is fairer because it meets the education policy goals of giving more money to the poorer communities, in need communities and moving it away from wealthier communities. It is fairer because all un-needed transition revenue money is rolled back into education assistance and then distributed back to towns. Now this is over a period of time, not this next year, but over time, to be used for education, all of the money. It is fairer because the transition grants are indexed to the EEI, thus creating a sliding scale for those transition grants. It is an excellent public policy. It is a formula that can fluctuate with revenue. It is good House policy that we can send proudly to the Senate. And I ask that you support the committee and their bipartisan vote for this bill.

I should also point out to you because so much as been said about its constitutionality, that the Attorney General has indicated that she can defend this approach on a good faith basis. That's all we can ask. All else is conjecture. Any bill that comes through this House and through the Senate will be put to that scrutiny and we do not know the result of that. So, therefore I ask you, please support this bill and press the green button.

Vote on adoption of majority committee report as amended

roll call Y-181 N-178 – report adopted

Vote on motion to print debate in Permanent Journal

roll call Y 236 N-124 – motion adopted

Debate on Reconsideration

Rep. Kurk: Yes, Mr. Speaker, I would like to offer a motion for reconsideration on our last vote on House Bill 616, and having voted with the prevailing side I believe I'm in a position to so move.

Speaker Scamman: That is an appropriate motion.

Rep. Kurk: May I speak to my motion?

Speaker Scamman: You may speak to your motion. The motion is Reconsideration.

Rep. Kurk: I voted on both sides of this issue as many of you have and I don't mean just today. This is a very difficult issue for all of us. Today I voted in favor of the Finance Committee amendment because I felt that in order to be fair to everyone in this state, we couldn't take down the losers by kicking their chairs out from under them. That isn't fair. I voted in favor of the Carter-Campbell-Eaton amendment because I thought perhaps we should have some House position. I'm having second thoughts about that because we do have another House position and that position is current law. Now, that is not my first choice. I thought the Finance position is better. But it is my second choice. And so, I would ask you to vote "yes" on reconsideration, so we can take the appropriate action on the motion that we just passed by three votes. Thank you, Mr. Speaker.

Rep. Marjorie Smith: Thank you, Mr. Speaker. Here we are again. The Representative from Weare, would you help me understand why you would think we would have the current law as the underlying issue when it would be my sense that we could end up with HB 616 as it passed the House several weeks ago at a vote of roughly 240 to 120. If we worked our way backwards again, as we did so inelegantly this morning, wouldn't we end up by removing the amendment and being left with the bill that the Education Committee thought was the right bill and that in fact, for every two of us here voting for it, only one voted against it. Thank you.

Rep. Kurk: That you, Rep. Smith for the question. I believe that is a possible outcome. I think what we need to do is have that discussion which I don't think we had as a result of our last action which is why I urge reconsideration.

Rep. Marjorie Smith: Thank you. Could I ask one more question? Is it not true that one way for us to save enormous amounts of money would be to vote down 616 in any way, have 302 as it is now written and with any subsequent amendment, would that not in the end mean that we would have to spend very little given that in the manner that 302 was passed, again inelegantly, last year, there is a serious error in how it is worded?

Rep. Kurk: I don't think I know the full answer to that question. I have my opinion but I don't think it is informed enough to state it to the House and ask members to rely on it. So I'll respectfully decline to answer that. I would say this. We do have a financial problem if we simply do nothing on this bill. If we do nothing on this bill, if we kill 616, as I understand it, the cost of 302 is something like \$505 million. We just passed the budget with money to fund education at \$460 million. The budget probably would be out of balance at that point, but you could argue, as we have in the past, that our obligation under our rules is for the Finance Committee to present to this body a balanced budget. There is no rules obligation on this House to send a balanced budget to the Senate. There is a statutory obligation on this House to adopt a final budget that is balanced. If we were to pass 616 as it came from the policy committee, we would also be in a shortfall. The cost of that bill as I understand it is \$497 million, and again, we passed a budget that provides for education funding at the \$460 million level. This is a dilemma especially for someone like me. But I think that we need to sit back for a moment and reconsider what we've done to decide if we want to establish the policy that is contained in the Carter-Campbell-Eaton amendment, whether we want to revisit the policy contained in the Finance amendment, or whether we want to do the other two options, the ones suggested by Rep. Smith, or the one that I had suggested. But I think that we need to take a moment to make those decisions in a more thoughtful manner and frankly, we don't have a lot of time. Thank you, Mr. Speaker.

Rep. Mirski: Thank you, Mr. Speaker. In all the years that I've had some association with this place, this is the first time I think that we've had a proposal on the table which actually treated poor towns fairly. So I think that we ought to take the opportunity and go with this. It's the right thing to do. I ask you to vote against the motion of reconsideration.

Rep. Soltani: Thank you, Mr. Speaker. Mr. Speaker, I have a lot of respect for my colleague from Weare and I have listened to him quite a bit and he has changed my mind on a number of issues, but he did not on this issue. If anything, he strengthened my position that I will again vote to pass this bill as it stands. We must pass a bill that funds education and pass it over to the Senate or have a Committee of Conference.

If we do not, we revert back to current law. The current law has not been digested or has been torn apart and looked into by either our policy committee or our Finance Committee. Current law will leave us in a huge deficit. This one has been played with, this one is the one that they have proposed. This is the one that came out of the policy committee and the policy committee is the body that had hearings on the issue. The Education Committee found it to be equitable and found it to treat students appropriately. I cannot imagine not having a House position when we go to education funding. And the current law, we don't even know if it would stand the holes that it has. It has been taken to court. There were some issues with it and we will make it worse even if we leave it alone and pass it along. I urge a "no" vote on reconsideration. Thank you, Mr. Speaker.

Rep. Wendelboe: Thank you to the good member from Epsom. Representative, if you knew that current law continues the state-wide property tax and also continues donor towns, would that be another reason to vote "no" on reconsideration?

Rep. Soltani: Current law is bad in every way imaginable. And this, if anything, is not perfect, is not great, it's not even good, but it's a lot better than current law. Thank you.

Vote to adopt motion of reconsideration
roll call Y-152 N-208 – failed

REGULAR CALENDAR (CONT'D.)

HB 691-FN-L, relative to the medicaid program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Neal M. Kurk for the Majority of Finance: This bill passed the House following a 16-3 recommendation from the Committee on Health, Human Services and Elderly Affairs. HB 691 reinforces the state's commitment to make home- and community-based care (HCBC) more readily available to those seniors who are eligible for Medicaid long-term care services. Currently, not all Medicaid eligible seniors are properly assessed to determine if they could be cared for more effec-

tively in their homes and communities. HB 691 corrects that by providing for a uniform, more comprehensive assessment system with involvement from the Oversight Committee on Health and Human Services. The Finance Committee amendment adds a two-year sunset to the assessment system, so that the legislature has the opportunity to evaluate its effectiveness. The bill also closes several loopholes in financial eligibility to help prevent individuals from hiding their assets to become Medicaid eligible. This would be accomplished by requiring the state to request federal waivers that would (a) lengthen the so-called "look back" period on transfer of assets to others for less than their fair value, while "grandfathering" such transfers made in accordance with current law on or before March 14, 2005, and (b) begin the "penalty period" of ineligibility for Medicaid services resulting from such transfers at the time of application for Medicaid services. A third federal waiver would encourage personal responsibility for long-term care by eliminating the asset test for Medicaid eligibility for those persons who purchase a conforming long-term care insurance policy and whose long-term care costs exceed the policy coverage. This legislation also allows the state to expand the types of assets available for recovery for Medicaid expenses, which are currently exempt. Finally, a commission is established to study the mental health service delivery system. The Finance Committee amendment gives nursing homes, and in particular county nursing homes, greater financial protection. Medicaid rates for nursing home services provided by county and private nursing facilities may not be reduced during the biennium. County and private nursing facilities will receive all funding from the Medicaid Quality Incentive Program (MQIP). The counties may participate in the revised assessment system and also in pilot programs providing for case management services. After considerable discussion with the Department of Health and Human Services and others, the Finance Committee determined that the bill, as amended, will allow fewer people to receive care in nursing homes and more people to receive care in assisted living facilities and in their homes and communities. It will not change the overall cost of long-term care services. These changes will be reflected in the state budget, which also makes provision for infrastructure development through inflationary increases to nursing homes and rate increases for mid-level and home- and community-based care. Although some were concerned that the long-term impacts could not be quantified, resulting in a decision at one point to retain the bill, at the end of the process the majority of the Finance Committee believes we need to pass this bill to bring financial integrity to the program so that Medicaid is used by the truly poor for whom it was established. Vote 13-9.

Rep. Sharon Nordgren for the Minority of Finance: The Minority of the Finance Committee does not support the Ought to Pass as Amended motion on HB 691. This bill, if passed, would require a federal waiver and the financial implications are unclear. The majority recommends the passage of this bill despite the complete lack of any information about the impact of the extended "look back" and other provisions on the middle class. The section of HB 691 promoting the purchase of long-term care insurance by those who can afford such insurance leaves a huge loophole for the wealthy. Those who purchase up to 3 years of long-term care insurance are exempt from the "look back" process. This bill is not in proper form to be passed to the Senate. The financial impact of HB 691 is at best a state of confusion

Majority Amendment (1074h)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose and Intent.

I. The general court recognizes that the demand upon the medicaid system will increase sharply in the near future due to the rapid aging of the population and the increasing numbers of citizens 85 years of age and older. These facts coupled with an anticipated federal reduction in medicaid funding requires a more cost-effective system to ensure that the state has the ability to meet the needs of its citizens while providing quality care to medicaid recipients.

II. The purpose of this act is to carry out the proposals contained in the plan for the modernization of the medicaid program administered by the department of health and human services as it relates to the provision of long-term care. This act is written to strengthen the commitment of the state to its people, for the provision of long-term care within an established continuum of care of home and community-based care, intermediate or mid-level care, and nursing facility care. The plan provides for a basic health care system for elderly or disabled persons who are poor, are without the means for obtaining long-term care services, and who are in need of transitional or long-term support in order to achieve or maintain an identified degree of independence, self-suffi-

ciency, health, or quality of life. The plan also provides a new emphasis on maintaining our elderly in home and community-based care through the empowerment of consumer choice. A basic intent underlying this proposal is that medicaid funding is reserved for those qualified individuals who need it and those who are not eligible are excluded.

2 Long-Term Care; Eligibility for Nursing Facility Services. Amend RSA 151-E:3, I(a) to read as follows:

(a) Clinically eligible for nursing facility care because the person requires 24-hour care for one or more of the following purposes, as determined by ~~the department~~ *registered nurses employed by state or county government using an assessment tool:*

(1) Medical monitoring and nursing care *when the skills of a licensed medical professional are needed to provide safe and effective services;*

(2) Restorative nursing or rehabilitative care *with patientspecific goals;*

(3) Medication administration ~~[or instruction and supervision of self-medication for discharge purposes only]~~ *by oral, topical, intravenous, intramuscular, or subcutaneous injection, or intravenous feeding for treatment of recent or unstable conditions requiring medical or nursing intervention; or*

(4) Assistance with 2 or more activities of daily living *involving eating, toileting, transferring, bathing, dressing, and continence;* and

3 Long-Term Care; Nursing Facility Services. Amend RSA 151-E:4 to read as follows:

151-E:4 Consumer Choice. A person who has been determined to be medicaid eligible for nursing facility services in accordance with RSA 151-E:3 shall have the right to receive nursing facility services; however, the person *shall be offered and* may choose to receive services in a less restrictive setting if such services are available and do not result in costs to the state and counties in excess of the limitations set forth in RSA 151-E:11, II. Such choice shall be ~~[subject to limitations imposed by federal and state laws and regulations]~~ *offered in accordance with state laws and federal regulations. The department shall take into consideration the family and community supports available to the person, the family's desire and ability to care for the person, and shall ensure that all consideration and support is offered to the family to maintain the person in home and community-based care. Nothing in this section is intended to require the provision of financial assistance or supports by a family member.*

4 Eligibility for Assistance; Asset Transfers. Amend RSA 167:4, I(b) to read as follows:

(b) In the case of an applicant for public assistance or medical assistance who has made an assignment or transfer of ~~[property]~~ *assets to an individual* for less than fair market value within ~~[36]~~ *60* months or in the case of ~~[payments from]~~ *transfers of real estate, or transfers of assets to a trust or portions of a trust that are treated as assets disposed of by the individual within [60]* *120* months immediately preceding the date of application or while the application is pending, or in the case of a recipient of public assistance or medical assistance who makes such an assignment or transfer while in receipt of the assistance, the assistance sought shall only be granted or continue to be granted in accordance with rules establishing restrictions and eligibility criteria for such cases as adopted by the commissioner of the department of health and human services under RSA 541-A, subject to applicable federal regulations *and waiver approval, if any, and review by the oversight committee on health and human services, established in RSA 126-A:13. The oversight committee on health and human services shall make a report to the legislative fiscal committee which shall have final approval authority.*

5 Eligibility for Assistance; Medicaid. Amend RSA 167:4, IV(c) to read as follows:

(c) *Notwithstanding any provision of law to the contrary, for purposes of medicaid eligibility, investment in life insurance policies with cash surrender value in excess of \$1,500 shall be limited to policies that ensure payment to the state of New Hampshire of all the proceeds of the policy in excess of amounts spent on burial up to the total of medicaid expenditures made on behalf of the individual.*

(d) *Contingent upon federal approval, the commissioner shall establish a program to eliminate the resource ceiling for applicants and recipients of medical assistance at the institutional level of care if the applicant or recipient benefits from or will benefit from a conforming long-term care insurance policy. The commissioner shall establish criteria for conforming long-term care insurance policies which, at a minimum, shall provide benefits for at least 36 months of nursing home payments at the average private pay rate for county nursing home facilities, an annual benefit inflation factor of at least 5 percent compounded annually, and coverage for*

home and community-based care equivalent to the benefit provided in a nursing facility. The estates of recipients of medical assistance for institutional level of care for whom the resource ceiling has been eliminated, shall be exempt from recoveries pursuant to RSA 167:13 and RSA 167:14.

(e) The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the proper administration of this paragraph.

6 Recovery for Assistance Furnished. Amend RSA 167:13, I to read as follows:

I. Except as provided in paragraph II, if at any time during the continuance of assistance, the recipient or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount stated in the application, it shall be the duty of the recipient within 10 calendar days to notify the commissioner of the department of health and human services of the receipt or possession of such property or income. On the death of a recipient of old age assistance, *aid to the needy blind, medicaid for employed adults with disabilities*, or aid to the permanently and totally disabled, the total amount of assistance paid under this chapter or RSA 161 shall be allowed as a claim against the estate of such person after payment of the charges in the priority set forth in RSA 554:19. No lien filed in accordance with RSA 167:14 shall be extended to enforce recovery nor shall any sale be forced against the real estate of a recipient of old age assistance, *aid to the needy blind, medicaid for employed adults with disabilities*, or aid to the permanently and totally disabled while it is occupied as a home by a surviving spouse. The federal government shall be entitled, as long as required as a condition to federal financial participation, to such proportion of the net amount collected from the estate of a recipient of old age assistance, *aid to the needy blind, medicaid for employed adults with disabilities*, or aid to the permanently and totally disabled as the federal participation bears to the total amount of assistance granted said recipient.

7 Assistance; Claims and Liens. Amend RSA 167:14, I to read as follows:

I. The estate of every recipient and the estate of a recipient's spouse, if any, owned severally or as joint tenants, shall be liable for all financial old age assistance, *aid to the needy blind*, or aid to the permanently and totally disabled granted to the recipient; provided, however, that the estate of a recipient's spouse shall be liable only for such financial assistance as was granted to the recipient during the time that the recipient and the recipient's spouse were neither legally separated nor divorced. After providing all owners of the real property known to the department with prior notice and an opportunity for a hearing, the commissioner of the department of health and human services shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property, notice of the lien. Such notice of lien shall contain the names of the recipient and the recipient's spouse, if any. All such liens shall continue during the lifetime of the recipient and of the spouse of the recipient, if any, and until enforced as provided in this section, unless sooner released by the commissioner of the department of health and human services.

8 Recovery of Assistance. Amend RSA 167:14-a, I and II to read as follows:

I. Any person who is a recipient of financial assistance, medical assistance, old age assistance, *aid to the needy blind, medicaid for employed adults with disabilities*, or aid to the permanently and totally disabled shall, by his acceptance of such assistance, be deemed to have assigned any claim or right of action against any person or party to the commissioner of health and human services, to the extent that such assistance is furnished.

II. Whenever a recipient of financial assistance, medical assistance, old age assistance, *aid to the needy blind, medicaid for employed adults with disabilities*, or aid to the permanently and totally disabled shall have a legally cognizable claim against any person or party for expenses or support and the department of health and human services has already furnished assistance to such recipient, the amount of assistance furnished may be recovered in an action brought in the name of the state from such person or party against whom the recipient has a legally cognizable claim for expenses or support.

9 New Paragraph; Recovery of Assistance; Estates of Recipients. Amend RSA 167:14-a by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any provision of law to the contrary, for purposes of recovering the costs of medical assistance, the estate of a recipient shall include all property, real or personal, which at the time of a recipient's death was held by the recipient in joint tenancy with rights of survivorship, tenancy in common, life estate, living trust or other arrangement, without regard to the date that such title or interest was established. No sooner than 45 days from the death of the recipient, the department shall provide the other joint owner or owners notice of the department's claim. Within 30 days of the receipt of notification of the department's claim, the joint owner or owners

shall acknowledge receipt of the department's claim and either tender an amount equal to the deceased recipient's interest in the identified property and/or financial instrument to the state of New Hampshire toward the deceased's medical assistance bill, but such amount shall not exceed the total amount of medical assistance provided to the deceased recipient, or enter into a binding agreement to make such payment as soon as is practicable. If the joint owner or owners refuse to acknowledge receipt of the department's claim or to tender payment or fail to fulfill the agreement to pay without good cause, as required by this paragraph, the commissioner may bring an action in superior court to compel such payment. Nothing in this paragraph shall be interpreted or applied so as to violate RSA 167:16-a, IV or 42 U.S.C. section 1396p(b)(2)(A) prohibiting recovery when the recipient is survived by a spouse, minor children, or disabled children.

10 Prescription Drugs; Organization of Drugs. Amend RSA 318:42, XIII to read as follows:

XIII. A nurse licensed under RSA 326-B, who is an employee of a ~~[home health care or hospice agency]~~ **health facility** licensed pursuant to RSA 151:2 and is acting in the course of employment, from organizing the prescription and nonprescription drugs of clients into containers designed to aid clients in carrying out a prescriber's directions, provided that the organizing of drugs is documented in the client's nursing record and that the original prescription containers remain in the client's possession.

11 New Subparagraph; Confidentiality of Records; Disclosure to Department of Health and Human Services. Amend RSA 21-J:14, V(d) by inserting after subparagraph (7) the following new subparagraph:

(8) An officer or employee of the department of health and human services in the performance of duties under RSA 167:14-a, V, which disclosure shall be limited to the report of the trust and a copy of the trust document, including any list of beneficiaries, filed in accordance with RSA 87:20.

12 New Section; Medicaid Waivers. Amend RSA 126-A by inserting after section 4-a the following new section:

126-A:4-b Medicaid Waivers. The state shall enter into medicaid waivers from the federal Centers for Medicare and Medicaid Services, subject in each case to a review by the oversight committee on health and human services, established in RSA 126-A:13, which shall make a report to the legislative fiscal committee which shall have final approval authority. The waivers shall:

(a) Allow the state to begin the penalty period of ineligibility for medicaid services due to transfers of assets for less than fair market value as of the date of application for medical assistance or as of the date that the applicant, but for the transfer of assets for less than fair market value, meets all of the criteria for eligibility for medical assistance, whichever is later.

(b) Allow the state to eliminate the resource ceiling for applicants for medical assistance and to exempt them from actions for recovery against their estates for the cost of medical assistance they receive when they have a long-term care insurance policy that meets the standards established by the legislature and the state.

13 Long-Term Care; Cost Controls; Limitation on Waiver Slots. Amend RSA 151-E:11 to read as follows:

151-E:11 Program Management and Cost Controls.

I. The department shall designate in its operating budget requests specific class lines for nursing facility, mid-level, and home-based care provided for in this chapter. These class lines shall reflect, and the requesting documentation shall include, the anticipated number of persons to receive services. The department shall not increase expenditures in approved budgets for ~~[care]~~ **these** class lines or the number of persons to receive mid-level or home care services without the approval of the legislative fiscal committee, and the prior review of the county-state finance commission. ***The medicaid rates paid for nursing facility services, mid-level care services, and home and community-based care services shall not be reduced below those levels in effect on the last day of the previous biennium. No transfers may be made from the nursing facility medicaid quality incentive program and all funding derived from that program shall be paid to nursing facilities.***

II. For the fiscal year beginning July 1, 2003, and each fiscal year thereafter the average annual cost for the provision of services to persons in the mid-level of care shall not exceed 60 percent of the average annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed 50 percent of the average annual cost for the provision of services to persons in a nursing facility. Average annual costs shall be the net medicaid costs exclusive of provider payments. ***No person whose costs would be in***

excess of 80 percent of the average annual cost for the provision of services to a person in a nursing facility shall be approved for home-based or mid-level services without the prior approval of the commissioner of health and human services. The department shall provide a report semi-annually on the utilization of non-nursing home services to the county-state finance commission and the legislative fiscal committee.

14 Applicability. Pending federal Centers for Medicare and Medicaid Services approval required under section 4 of this act and notwithstanding RSA 167:4, I(b) or any other provision of law to the contrary, any applicant for public assistance or medical assistance who has made an assignment or transfer of assets to an individual for less than fair market value or who has transferred real estate or transferred assets to a trust relying on the 3-year or 5-year look back provision under RSA 167:4 and which is in existence on March 14, 2005 shall be grandfathered.

15 Commission Established. There is hereby established a commission to develop a comprehensive state mental health plan as recommended by the President's New Freedom Commission on Mental Health. The purpose of the commission is to create a 5-year strategy to deliver mental health services that are founded on the principles of resiliency and recovery, evidence - based practice, effectiveness and efficiency. The plan shall also focus on the integration of the mental health system with other systems of care, including the developmental services system and the elder care system.

16 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, 2 of whom shall be members of the house committee on health, human services and elderly affairs, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) Two members representing community mental health centers, one of whom shall be a board member, appointed by the Community Behavioral Health Association.

(d) The commissioner of the department of health and human services, or designee.

(e) The director of the division of community-based care services of the department of health and human services, or designee.

(f) The superintendent of New Hampshire hospital.

(g) The superintendent of the Glencliff home for the elderly.

(h) The chief of the bureau of behavioral health, department of health and human services.

(i) The director of the office of consumer affairs, department of health and human services.

(j) The executive director of the National Alliance for the Mentally Ill (NAMI).

(k) The executive director of the governor's commission on disability, or designee.

(l) Two members representing consumers utilizing mental health services, appointed by the governor.

(m) Two members representing families utilizing mental health services, appointed by the governor.

(n) The director, office of alcohol and drug policy, department of health and human services.

(o) A psychiatrist, appointed by the New Hampshire Psychiatric Society.

(p) The medical director, bureau of behavioral health, department of health and human services.

(q) Two members representing peer support agencies, one of whom shall be a board member, appointed by the Consumer Council.

(r) The commissioner of the department of corrections, or designee.

(s) The superintendent of a county house of corrections, appointed by the governor.

(t) A member of the West Institute, appointed by the Dartmouth Psychiatric Research Center.

(u) The dean of the university of New Hampshire, school of health sciences.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission may seek grant funding support to carry out its duties.

17 Duties. The commission shall review and study the mental health service delivery system and make recommendations regarding:

I. The role and mission of New Hampshire hospital and Glencliff home for the elderly.

II. The role and mission of community mental health centers as providers of comprehensive behavioral health services and supports, including a range of residential services.

III. The role and mission of peer support programs.

IV. The role and mission of family mutual support organizations.

V. The integration of services for persons who have both mental illness and problems with substance abuse.

VI. The implementation of evidence based standards of care and treatment.

VII. The promotion of research to improve the treatment of mental illness.

VIII. The utilization of local community hospitals to provide short-term stabilization of mental health crises.

IX. The development of regional transitional housing.

X. The availability of mental health treatment in prisons and jails.

XI. The integration of mental and physical health care.

XII. Other matters related to the delivery of mental health services.

18 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Twelve members of the commission shall constitute a quorum. The bureau of behavioral health shall provide administrative support to the commission.

19 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, senate president, the house clerk, the senate clerk, the governor, and the state library in an interim report on or before December 1, 2005 and in a final report on or before December 1, 2006.

20 Oversight Committee on Health and Human Services; Duty Added. Amend RSA 126-A:15, I to read as follows:

I. The committee shall provide legislative oversight of and informational meetings on the programs, policies, and rules of the department of health and human services as brought to its attention by committee members, legislators, department personnel, or others. The committee's work may include, but is not limited to, analyzing the efficacy of selected programs, studying the characteristics of target populations, researching trends affecting program costs and participation, and reviewing alternate approaches to programmatic and administrative concerns. ***The committee shall monitor the on-going medicaid modernization plan.*** The committee shall provide informational meetings on such topics to the general court. The committee shall maintain communications with the department of health and human services, and any other departments, as necessary to accomplish its work.

21 New Paragraph; Eligibility for Nursing Services. Amend RSA 151-E:3 by inserting after paragraph II the following new paragraph:

III. The department shall not use a new assessment tool to determine clinical eligibility for nursing facility care until the tool has been reviewed by the county-state finance commission and has been approved by the oversight committee on health and human services established pursuant to RSA 126-A:13.

22 Eligibility for Nursing Services. Amend RSA 151-E:3, I(a) to read as follows:

(a) Clinically eligible for nursing facility care because the person requires 24-hour care for one or more of the following purposes, as determined by ~~[registered nurses employed by state or county government using an assessment tool]~~ ***the department:***

(1) Medical monitoring and nursing care ~~[when the skills of a licensed medical professional are needed to provide safe and effective services];~~

(2) Restorative nursing or rehabilitative care ~~[with patient-specific goals];~~

(3) Medication administration ~~[by oral, topical, intravenous, intramuscular, or subcutaneous injection, or intravenous feeding for treatment of recent or unstable conditions requiring medical or nursing intervention]~~ ***or instruction and supervision of self-medication for discharge purposes only; or***

(4) Assistance with 2 or more activities of daily living ~~[involving eating, toileting, transferring, bathing, dressing, and continence];~~ and

23 Administration of the Medicaid Home and Community-Based Care Waiver Program for the Elderly and Chronically III.

I. The department of health and human services may establish one or more pilot programs for the provision of case management services through a program operated by or under contract with a county government to persons receiving services under the medicaid home and community-based

care waiver program for the elderly and chronically ill. The cases to be served in the pilot program may be directly assigned to the county program or transferred from the independent case management agencies to which they have already been assigned.

II. The department shall make quarterly reports to the oversight committee on health and human services commencing January 1, 2006 on the operations and results of any pilot program established pursuant to this section, particularly with respect to any comparisons that may be made to the services of independent case management agencies.

24 Rulemaking. Any rules required to be adopted by the department of health and human services under this act pursuant to RSA 541-A, shall be produced by the department for review by the oversight committee on health and human services within 180 days after passage of the appropriate section of this act.

25 Effective Date.

I. Section 2 of this act shall take effect January 1, 2006.

II. Sections 15-19 of this act shall take effect upon its passage.

III. Section 22 of this act shall take effect July 1, 2007.

IV. The remainder of this act shall take effect 60 days after its passage.

Rep. Craig spoke against and yielded to questions.

Rep. Kurk spoke in favor and yielded to questions.

Majority amendment adopted.

MOTION TO LAY ON THE TABLE

Rep. David Campbell moved that **HB 691-FN-L**, relative to the medicaid program, be laid on the table.

Rep. Batula requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay on the table.

YEAS 161 NAYS 185

YEAS 161

BELKNAP

Morrison, Gail

Rosen, Ralph

Tobin, William

CARROLL

Babson, David Jr

Buco, Thomas

Dickinson, Howard

Knox, J David

CHESHIRE

Allen, Peter

Butcher, Suzanne

Butynski, William

Chase, William

Dunn, J Timothy

Eaton, Daniel

Espiefs, Peter

Mitchell, Bonnie

Plifka, Stanley Jr

Pratt, John

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Tilton, Anna

Weed, Charles

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Remick, William

Richardson, Herbert

Theberge, Robert

GRAFTON

Almy, Susan

Andersen, Gene

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Gionet, Edmond

Hammond, Lee

Harding, A Laurie

McLeod, Martha

Mulholland, Catherine

Nordgren, Sharon

Sokol, Hilda

Solomon, Peter

Ward, John

HILLSBOROUGH

Allan, Nelson

Baroody, Benjamin

Beaulieu, Jane

Brassard, Paul

Campbell, David

Chase, Claudia

Christiansen, Lars

Clayton, William

Clemons, Jane

Craig, James

Daniuk, Caitlin

DeVries, Betsi

Egbers, Fran

Foster, Linda

Francoeur, Bea

Garrity, Patrick

Gibson, John

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Goyette, Peter Jr
Holden, Randolph
Kopka, Angeline
Matarazzo, Anthony Sr
Movsesian, Lori
Rochette, Eric
Shaw, Barbara
Sullivan, Peter

Haley, Robert
Hunter, Bruce
Lasky, Bette
McRae, Karen
Pappas, Christopher
Rosenwald, Cindy
Shaw, Kimberly
Velez, Hector

Hall, Betty
Jean, Claudette
Lefebvre, Roland
Messier, Irene
Pilotte, Maurice
Rowe, Robert
Smith, David
Villeneuve, Maurice

Harvey, Suzanne
Johnson, Paula
Martin, Mary Ellen
Michon, Stephen
Renzullo, Andrew
Schulze, Joan
Souza, Kathleen

MERRIMACK

Bouchard, Candace
French, Barbara
Marple, Richard
Reardon, Tara
Tupper, Frank
Yeaton, Charles

DeJoie, John
Gile, Mary
McMahon, Patricia
Ryan, Jim
Wallner, Mary Jane

DeStefano, Stephen
Greco, Vincent
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

Foose, Robert
Hamm, Christine
Potter, Frances
Tilton, Joy
Williams, Robert

ROCKINGHAM

Allen, Mary
DiFruscia, Anthony
Kobel, Rudolph
Pantelakos, Laura
Serlin, Christopher

Blanchard, MaryAnn
Flockhart, Eileen
Moody, Marcia
Powers, James
Splaine, James

Cali-Pitts, Jacqueline
Forsing, Robert
Morris, Richard
Priestley, Anne
Welch, David

Casey, Kimberley
Johnson, Robert
Norelli, Terie
Putnam, Ed II

STRAFFORD

Berube, Roger
Callaghan, Frank
Grassie, Anne
Kaen, Naida
Rollo, Michael
Spang, Judith

Brown, Jennifer
Cataldo, Sam
Heon, Richard
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Brown, Julie
Cilley, Jacalyn
Hilliard, Dana
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Smith, Marjorie

SULLIVAN

Cloutier, John
Prichard, Stephen

Franklin, Peter

Houde-Quimby, Charlotte

Phinizy, James

NAYS 185

BELKNAP

Allen, Janet
Millham, Alida
Thomas, John

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Pilliod, James
Wendelboe, Fran

Flanders, Donald
Russell, David
Whalley, Michael

CARROLL

Ahlgren, Christopher
McConkey, Mark

Brown, Carolyn
Merrow, Harry

Chandler, Gene
Olimpio, J Lisbeth

Martin, James
Patten, Betsey

CHESHIRE

Dexter, Judson
Hunt, John

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

COOS

King, Frederick
Tholl, John Jr

Lary, Bruce

Morneau, Renney

Stohl, Eric

GRAFTON

Ham, Bonnie
Naro, Debra

Ingbretson, Paul
Sorg, Gregory

Maybeck, Margie
Williams, Burton

Mirski, Paul

HILLSBOROUGH

Aboshar, Jeffery	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carlson, Donald	Carter, Mark	Chabot, Robert	Christensen, D L Chris
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Essex, David	Gargas, Carolyn	Golding, William
Gonzalez, Carlos	Graham, John	Hawkins, Ken	Hebert, Raymond
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Manney, Pamela
Mead, Robert	Mooney, Maureen	Moran, Edward	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Price, Pamela	Reeves, Sandra
Ross, Lawrence	Ryder, Donald	Scanlon, Michael	Slocum, Lee
Stepanek, Stephen	Sullivan, Francis	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Kennedy, Richard	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Oliver, James	Reed, Dennis	Soltani, Tony	Whiting, Herbert

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	Dodge, Robert	Dowd, John	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Major, Norman	Manning, John	Mason, April	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Parker, Benjamin	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Smith, Paul	Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

STRAFFORD

Bickford, David	Campbell, W Packy	Chaplin, Duncan	Dunlap, Patricia
Easson, Timothy	Hollinger, Jeffery	Newton, Clifford	Twombly, James

SULLIVAN

Converse, Larry	Donovan, Thomas	Gale, Harry	Osgood, Philip Sr
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Rodeschin, Beverly

and the motion to lay on the table failed.

Rep. Irwin declared a conflict of interest and did not participate.

Rep. MacKay offered floor amendment (1189h)

Floor Amendment (1189h)

Amend the bill by replacing section 4 with the following:

4 Eligibility for Assistance; Asset Transfers. Amend RSA 167:4, I(b) to read as follows:

(b) In the case of an applicant for public assistance or medical assistance who has made an assignment or transfer of ~~property~~ **assets to an individual** for less than fair market value within [36] **60** months or in the case of ~~payments from~~ **transfers of real estate, or transfers of assets**

to a trust or portions of a trust that are treated as assets disposed of by the individual within 60 months immediately preceding the date of application or while the application is pending, or in the case of a recipient of public assistance or medical assistance who makes such an assignment or transfer while in receipt of the assistance, the assistance sought shall only be granted or continue to be granted in accordance with rules establishing restrictions and eligibility criteria for such cases as adopted by the commissioner of the department of health and human services under RSA 541-A, subject to applicable federal regulations *and waiver approval, if any, and review by the oversight committee on health and human services, established in RSA 126-A:13. The oversight committee on health and human services shall make a report to the legislative fiscal committee which shall have final approval authority.*

Amend the bill by replacing section 9 with the following:

9 New Paragraph; Recovery of Assistance; Estates of Recipients. Amend RSA 167:14-a by inserting after paragraph V the following new paragraph:

VI. For purposes of recovering the costs of medical assistance, the estate of a recipient shall include all property, real or personal, which at the time of a recipient's death was held by the recipient in joint tenancy with rights of survivorship, tenancy in common, life estate, or living trust, without regard to the date that such title or interest was established. No sooner than 45 days from the death of the recipient, the department shall provide the other joint owner or owners notice of the department's claim. Within 30 days of the receipt of notification of the department's claim, the joint owner or owners shall acknowledge receipt of the department's claim and provided, that there shall not be undue hardship imposed upon the surviving joint owner or owners, either tender an amount equal to the deceased recipient's interest in the identified property and/or financial instrument to the state of New Hampshire toward the deceased's medical assistance bill, but such amount shall not exceed the total amount of medical assistance provided to the deceased recipient, or enter into a binding agreement to make such payment as soon as is practicable. If the joint owner or owners refuse to acknowledge receipt of the department's claim or to tender payment or fail to fulfill the agreement to pay without good cause, as required by this paragraph, the commissioner may bring an action in superior court to compel such payment. Nothing in this paragraph shall be interpreted or applied so as to violate RSA 167:16-a, IV or 42 U.S.C. section 1396p(b)(2)(A) prohibiting recovery when the recipient is survived by a spouse, minor children, or disabled children.

Rep. MacKay spoke in favor and yielded to questions.

Rep. Kurk yielded to questions.

Floor amendment (1189h) adopted.

Rep. O'Neil requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 187 NAYS 158

YEAS 187

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey		

CHESHIRE

Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Stohl, Eric
Tholl, John Jr			

GRAFTON

Ingbretson, Paul
Sorg, Gregory

Maybeck, Margie
Ward, John

Mirski, Paul
Williams, Burton

Naro, Debra

HILLSBOROUGH

Aboshar, Jeffrey
Batula, Peter
Boehm, Ralph
Carlson, Donald
Clark, Mark
Dokmo, Cynthia
Emerton, Larry
Golding, William
Hawkins, Ken
Hirschmann, Keith
L'Heureux, Robert
Moran, Edward
Price, Pamela
Scanlon, Michael
Ulery, Jordan

Adams, Jarvis IV
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Coughlin, Pamela
Drisko, Richard
Essex, David
Gonzalez, Carlos
Hebert, Raymond
Infantine, William
Manney, Pamela
O'Brien, William
Reeves, Sandra
Slocum, Lee
Vaillancourt, Steve

Balboni, Michael
Bergin, Peter
Buhlman, David
Chabot, Robert
Crane, Elenore Casey
Dyer, Donald
Gargas, Carolyn
Goyette, Peter Jr
Hellwig, Steve
Jasper, Shawn
Mead, Robert
O'Connell, Timothy
Ross, Lawrence
Stepanek, Stephen
Wheeler, James

Barry, J Gail
Biundo, Michael
Calawa, Leon Jr
Christensen, D L Chris
Desmarais, Vivian
Elliott, Nancy
Gibson, John
Graham, John
Hinkle, Peyton
Kurk, Neal
Mooney, Maureen
Ober, Lynne
Ryder, Donald
Tahir, Saghir
Wheeler, Robert

MERRIMACK

Anderson, Eric
Field, William
Langlais, Thomas
Soltani, Tony

Blanchard, Elizabeth
Kennedy, Richard
Lockwood, Priscilla

Currier, David
Klose, John
MacKay, James

Danforth, James
L'Heureux, Stephen
Oliver, James

ROCKINGHAM

Abbott, Dennis
Bicknell, Elbert
Cady, Harriet
Coburn, James
Dumaine, Dudley
Garriety, James
Griffin, Mary
Ingram, Russell
Kobel, Rudolph
Mason, April
Nowe, Ronald
Priestley, Anne
Rolston, James
Stiles, Nancy
Weldy, Norman
Winchell, George

Allen, Mary
Bishop, Franklin
Camm, Kevin
Cooney, Richard
Fesh, Bob
Gilbert, Karl
Headd, James
Itse, Daniel
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Quandt, Marshall Lee
Sanders, Elisabeth
Waterhouse, Kevin
Wells, Roger

Belanger, Ronald
Bridle, Russell
Carson, Sharon
Dodge, Robert
Flanders, John Sr
Gillick, Thomas
Hopfgarten, Paul
Katsakiores, George
Major, Norman
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Scamman, Stella
Weare, E Albert
Weyler, Kenneth

Bettencourt, David
Buxton, Donald
Charron, Gene
Dowd, John
Forsing, Robert
Gould, Kenneth
Hughes, Daniel
Katsakiores, Phyllis
Manning, John
Morris, Richard
Parker, Benjamin
Rausch, James
Smith, Paul
Welch, David
Wiley, Robert

STRAFFORD

Bickford, David
Hollinger, Jeffrey

Campbell, W Packy
Newton, Clifford

Chaplin, Duncan
Twombly, James

Easson, Timothy

SULLIVAN

Donovan, Thomas

Gale, Harry

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 158**BELKNAP**

Morrison, Gail

CARROLL

Buco, Thomas

Dickinson, Howard

CHESHIRE

Butcher, Suzanne
Eaton, Daniel
Plifka, Stanley Jr
Robertson, Timothy

Butynski, William
Espiefs, Peter
Pratt, John
Tilton, Anna

Chase, William
Foote, Sheila
Richardson, Barbara
Weed, Charles

Dunn, J Timothy
Mitchell, Bonnie
Roberts, Kris

COOS

Buzzell, Bernard
Richardson, Herbert

Mears, Edgar
Theberge, Robert

Merrick, Scott

Remick, William

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Sokol, Hilda

Andersen, Gene
Gionet, Edmond
McLeod, Martha
Solomon, Peter

Benn, Bernard
Ham, Bonnie
Mulholland, Catherine

Bleyler, Ruth
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Campbell, David
Clemons, Jane
Egbers, Fran
Ginsburg, Ruth
Hall, Betty
Jean, Claudette
Lefebvre, Roland
Messier, Irene
Pilotte, Maurice
Rowe, Robert
Smith, David
Velez, Hector

Baroody, Benjamin
Chase, Claudia
Craig, James
Foster, Linda
Goley, Jeffrey
Harvey, Suzanne
Johnson, Paula
Martin, Mary Ellen
Michon, Stephen
Renzullo, Andrew
Schulze, Joan
Souza, Kathleen
Villeneuve, Maurice

Beaulieu, Jane
Christiansen, Lars
Daniuk, Caitlin
Francoeur, Bea
Gorman, Mary
Holden, Randolph
Kopka, Angeline
Matarazzo, Anthony Sr
Movsesian, Lori
Rochette, Eric
Shaw, Barbara
Sullivan, Francis

Brassard, Paul
Clayton, William
DeVries, Betsi
Garrity, Patrick
Haley, Robert
Hunter, Bruce
Lasky, Bette
McRae, Karen
Pappas, Christopher
Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Peter

MERRIMACK

Bouchard, Candace
French, Barbara
Kidder, David
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

DeJoie, John
Gile, Mary
Marple, Richard
Reardon, Tara
Tilton, Joy
Whiting, Herbert

DeStefano, Stephen
Greco, Vincent
McMahon, Patricia
Reed, Dennis
Tupper, Frank
Williams, Robert

Foose, Robert
Hamm, Christine
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn
Flockhart, Eileen
Norelli, Terie
Robertson, Carl

Cali-Pitts, Jacqueline
Francoeur, Sheila
Pantelakos, Laura
Serlin, Christopher

Casey, Kimberley
Johnson, Robert
Powers, James
Splaine, James

DiFruscia, Anthony
Moody, Marcia
Putnam, Ed II
Zolla, William

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Hofemann, Roland
Miller, Joseph
Smith, Marjorie

Brown, Jennifer
Cataldo, Sam
Grassie, Anne
Kaen, Naida
Rollo, Michael
Spang, Judith

Brown, Julie
Cilley, Jacalyn
Heon, Richard
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Brown, Lawrence
Creteau, Irene
Hilliard, Dana
Knowles, William
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Phinizy, James

Converse, Larry
Prichard, Stephen

Franklin, Peter

Houde-Quimby, Charlotte

and the majority committee report was adopted.

Ordered to third reading.

Rep. Irwin declared a conflict of interest and did not participate.

RECONSIDERATION

Having voted with the prevailing side, Rep. Hawkins moved that the House reconsider its action whereby on April 13, 2005, it voted **HB 222-FN**, relative to payment of medical benefits costs for disabled group II members of the retirement system, Inexpedient to Legislate on a division vote of 194-135.

Rep. Robert Wheeler spoke in favor.

On a division vote, 194 members having voted in the affirmative and 144 in the negative, reconsideration prevailed.

Reps. DeVries and Marshall Quandt declared conflicts of interest and did not participate.

The question being adoption of the motion of Inexpedient to Legislate.

Rep. Hawkins spoke against.

Rep. Robert Wheeler spoke in favor and yielded to questions.

On a division vote, 143 members having voted in the affirmative and 191 in the negative, the motion failed.

Reps. DeVries and Marshall Quandt declared conflicts of interest and did not participate.

Rep. Hawkins moved Ought to Pass.

Rep. Ingbreton requested a roll call; sufficiently seconded.

The question being adoption of the motion of Ought to Pass.

YEAS 236 NAYS 98**YEAS 236****BELKNAP**

Millham, Alida
Russell, David

Morrison, Gail
Thomas, John

Neddeau, Stephen
Tobin, William

Pilliod, James
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Morrow, Harry

Buco, Thomas
Olimpio, J Lisbeth

Dickinson, Howard
Patten, Betsey

Knox, J David

CHESHIRE

Butcher, Suzanne
Dunn, J Timothy
Foote, Sheila
Plika, Stanley Jr
Robertson, Timothy

Butynski, William
Eaton, Daniel
Hogancamp, Deborah
Pratt, John
Tilton, Anna

Chase, William
Emerson, Susan
Hunt, John
Richardson, Barbara
Weed, Charles

Dexter, Judson
Espieffs, Peter
Mitchell, Bonnie
Roberts, Kris

COOS

Buzzell, Bernard
Morneau, Renney
Tholl, John Jr

Lary, Bruce
Remick, William

Mears, Edgar
Richardson, Herbert

Merrick, Scott
Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Maybeck, Margie
Sokol, Hilda

Andersen, Gene
Ham, Bonnie
McLeod, Martha
Solomon, Peter

Benn, Bernard
Hammond, Lee
Mulholland, Catherine
Sorg, Gregory

Bleyler, Ruth
Harding, A Laurie
Naro, Debra
Ward, John

HILLSBOROUGH

Aboshar, Jeffrey
Beaulieu, Jane
Brundige, Robert
Carlson, Donald
Clayton, William
Crane, Elenore Casey
Drisko, Richard
Foster, Linda
Gibson, John

Allan, Nelson
Bergin, Peter
Buhlman, David
Chase, Claudia
Clemons, Jane
Daniuk, Caitlin
Egbers, Fran
Francoeur, Bea
Ginsburg, Ruth

Baroody, Benjamin
Boehm, Ralph
Calawa, Leon Jr
Christensen, D L Chris
Coughlin, Pamela
Desmarais, Vivian
Emerton, Larry
Gargas, Carolyn
Goley, Jeffrey

Batula, Peter
Brassard, Paul
Campbell, David
Clark, Mark
Craig, James
Dokmo, Cynthia
Essex, David
Garrity, Patrick
Gonzalez, Carlos

Graham, John
Hinkle, Peyton
Jean, Claudette
Martin, Mary Ellen
Mooney, Maureen
Pilotte, Maurice
Rowe, Robert
Shaw, Kimberly
Sullivan, Francis

Haley, Robert
Hirschmann, Keith
Kopka, Angeline
Matarazzo, Anthony Sr
Movsesian, Lori
Reeves, Sandra
Ryder, Donald
Smith, David
Sullivan, Peter

Harvey, Suzanne
Holden, Randolph
Lefebvre, Roland
Messier, Irene
Ober, Lynne
Rochette, Eric
Schulze, Joan
Souza, Kathleen
Velez, Hector

Hawkins, Ken
Irwin, Anne-Marie
Manney, Pamela
Michon, Stephen
Pappas, Christopher
Rosenwald, Cindy
Shaw, Barbara
Stepanek, Stephen

MERRIMACK

Blanchard, Elizabeth
DeStefano, Stephen
Gile, Mary
Klose, John
Potter, Frances
Soltani, Tony
Walz, Mary Beth

Bouchard, Candace
Field, William
Greco, Vincent
L'Heureux, Stephen
Reardon, Tara
Tilton, Joy
Williams, Robert

Currier, David
Foose, Robert
Hamm, Christine
McMahon, Patricia
Ryan, Jim
Tupper, Frank
Yeaton, Charles

DeJoie, John
French, Barbara
Kennedy, Richard
Osborne, Jessie
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Flockhart, Eileen
Griffin, Mary
Katsakiores, Phyllis
McKinney, Betsy
Nowe, Ronald
Powers, James
Robertson, Carl
Weare, E Albert
Winchell, George

Belanger, Ronald
Bridle, Russell
Casey, Kimberley
Dodge, Robert
Forsing, Robert
Headd, James
Kobel, Rudolph
McMahon, Charles
O'Neil, Michael
Priestley, Anne
Scamman, Stella
Welch, David
Zolla, William

Bicknell, Elbert
Buxton, Donald
Charron, Gene
Dumaine, Dudley
Francoeur, Sheila
Hughes, Daniel
Langley, Jane
Moody, Marcia
Packard, Sherman
Quandt, Matthew
Serlin, Christopher
Weldy, Norman

Bishop, Franklin
Cady, Harriet
Coburn, James
Fesh, Bob
Garrity, James
Katsakiores, George
Mason, April
Norelli, Terie
Parker, Benjamin
Rausch, James
Splaine, James
Wiley, Robert

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Hilliard, Dana
Rollo, Michael
Twombly, James

Bickford, David
Campbell, W Packy
Easson, Timothy
Hofemann, Roland
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Kaen, Naida
Smith, Marjorie

Brown, Lawrence
Creteau, Irene
Heon, Richard
Knowles, William
Taylor, Kathleen

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Phinizz, James

Donovan, Thomas
Prichard, Stephen

Gale, Harry

NAYS 98

BELKNAP

Allen, Janet
Rosen, Ralph

Boyce, Laurie
Tilton, Franklin

Clark, Charles
Whalley, Michael

Flanders, Donald

CARROLL

Babson, David Jr
McConkey, Mark

Brown, Carolyn

Chandler, Gene

Martin, James

CHESHIRE

Pelkey, Stephen

Sawyer, Sheldon

COOS

King, Frederick Stohl, Eric

GRAFTON

Gionet, Edmond Ingbretson, Paul Mirski, Paul Nordgren, Sharon
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Bergeron, Jean-Guy
Biundo, Michael	Carter, Mark	Chabot, Robert	Christiansen, Lars
Elliott, Nancy	Golding, William	Goyette, Peter Jr	Hall, Betty
Hebert, Raymond	Hellwig, Steve	Hunter, Bruce	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	McRae, Karen	Mead, Robert
Moran, Edward	O'Brien, William	O'Connell, Timothy	Price, Pamela
Renzullo, Andrew	Ross, Lawrence	Scanlon, Michael	Slocum, Lee
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Danforth, James	Kidder, David	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Oliver, James
Reed, Dennis	Whiting, Herbert		

ROCKINGHAM

Allen, Mary	Bettencourt, David	Camm, Kevin	Carson, Sharon
Cooney, Richard	Dowd, John	Flanders, John Sr	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Hopfgarten, Paul	Ingram, Russell
Itse, Daniel	Johnson, Robert	Major, Norman	Manning, John
Morris, Richard	Putnam, Ed II	Rolston, James	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Wells, Roger	Weyler, Kenneth

STRAFFORD

Brown, Julie	Cataldo, Sam	Chaplin, Duncan	Hollinger, Jeffrey
Keans, Sandra	Newton, Clifford	Spang, Judith	

SULLIVAN

Franklin, Peter Osgood, Philip Sr Rodeschin, Beverly

and the motion of Ought to Pass was adopted.

Reps. DeVries and Marshall Quandt declared conflicts of interest and did not participate.

Ordered to third reading.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 4, 2005 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 535-FN-A, increasing the tobacco tax.

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007.

HB 2-FN-A, relative to state fees, funds, revenue and expenditures.

HB 616-FN-L, relative to the education property tax and the education equity index.

HB 691-FN-L, relative to the medicaid program.

HB 222-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system.

UNANIMOUS CONSENT

Rep. Carter addressed the House.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 6:50 p.m.

RECESS

(Rep. Welch in the Chair)

RESOLUTION

Rep. Barbara Richardson offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee in accordance with the list in the possession of the Clerk, House Resolution numbered 13, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

INTRODUCTION OF HOUSE RESOLUTION

First, second reading and referral

HR 13, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424). (A. Tilton, Ches 6; Pratt, Ches 2; Craig, Hills 9; Heon, Straf 2; Twombly, Straf 1: State-Federal Relations and Veterans Affairs)

RECESS

(Rep. Jasper in the Chair)

SENATE MESSAGES

CONCURRENCE

HB 38, relative to theft of personal checks and credit cards.

HB 40, relative to inspection dates for certain vehicles.

HB 53, repealing a 1901 law relating to the apportionment of library funds in the town of Haverhill.

HB 58, relative to the effective date for the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program.

HB 71-FN-A-L, relative to funding of the school building aid program for the 2005 fiscal year and making an appropriation therefore.

HB 87, relative to the authority of the Carroll county public water system.

HB 99, changing the name of the college for lifelong learning to Granite state college.

HB 111, establishing a commission to study the elimination of cervical cancer in the state of New Hampshire.

HB 124, naming a certain portion of New Hampshire Route 125 the Officer Mel Keddy Memorial highway.

HB 144-L, relative to special elections for municipal charter amendments.

HB 147, relative to the death penalty.

HB 148, transferring the New Hampshire estuaries project from the department of environmental services to the university of New Hampshire.

HB 160, naming a certain bridge on New Hampshire Route 3 between Pembroke and Allentown.

HB 171, relative to nicknames on ballots.

HB 242, relative to falsification of motor vehicle applications filed with the department of safety.

HB 265, relative to minutes of land use board meetings involving developments of regional impact.

HB 266, relative to the procedure for dismissal or suspension of a police chief.

- HB 277**, relative to special elections for executive councilor, state senator, and state representative.
- HB 299**, establishing a committee to study state laws governing liens for labor and materials.
- HB 340**, renaming Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg.
- HB 394**, relative to real estate tax lien procedures for tax collectors.
- HB 420**, relative to receiving and addressing complaints against licensees by the board of mental health practice.
- HB 444**, relative to the surrender and condemnation of game animals to the fish and game department.
- HB 446**, relative to applications for resident hunting or fishing licenses.
- HB 449-FN**, relative to special wild turkey seasons and permits.
- HB 457**, relative to excavating and dredging permit exemptions for water conveyance systems.
- HB 462**, prohibiting road toll refunds for idling time.
- HB 499**, relative to participation in and administration of the Manchester employees' contributory retirement system.
- HB 504**, relative to the assessment or refund of real estate transfer taxes, and the recording of plans with the register of deeds.
- HB 521**, relative to medical insurance coverage for members of the Manchester employees' contributory retirement system.
- HB 532**, relative to the licensure of dentists by the board of dental examiners.
- HB 546**, relative to the status of the board of trustees of the retirement system.
- HB 560**, relative to timber harvesting.
- HB 570**, relative to preliminary site plan review and the definition of inclusionary zoning.
- HCR 11**, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court.

NONCONCURRENCE

- HB 32**, establishing a committee to study the feasibility of implementing the Second Chance drug rehabilitation program in the New Hampshire prison system.
- HB 42**, establishing a statutory joint committee to review and propose changes to state unclassified officers' salaries.
- HB 46-FN**, relative to penalties for first-time DWI offenders.
- HB 82**, relative to political committees of political parties.
- HB 154**, relative to changes of party registration on primary day.
- HB 272-FN-A**, making an appropriation to the barn preservation fund.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 41, 74, 95, 107, 150, 181, 223, 308, 445 and 540.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 14

Wednesday, May 4, 2005

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Dr. Marguerite Gage from St. James United Methodist Church in Merrimack.

Most gracious and loving God, we come before You seeking Your blessing and guidance. Be present with this House of Representatives. Be present in their conversations, discussions, debates and votes. Guide every person to seek the common good. Give those who have been elected to represent the citizens of New Hampshire the courage of their convictions, yet keep their hearts open to new ideas and new directions.

We belong to You, O God, and we belong to each other, brothers and sisters in a family which reaches out across party lines, across district lines, across state lines, across national borders. Grant this Body eyes to see everyone they represent as Your beloved children made in Your image. Help them to find ways to do justice, to love kindness and to walk humbly with You.

May we all be better citizens of this world and good stewards of this corner of Your creation, New Hampshire, which You have entrusted to our care. May we value its natural beauty, resources and people. We pray for a world united towards living together in peace. Until that day, we pray for the men and women of our armed forces who stand in harms way so we might not have to. Protect them, keep them from harm and bring them home as soon as they safely can. Be with their families, comfort them while they are apart.

We ask Your blessing upon Governor John Lynch, Speaker of the House Douglas Scamman, all who serve this day and the work they are empowered to do.

We lift this prayer to You, as well as the unspoken prayers of our hearts, which we bring before You now in a moment of silence. Hear our prayers, we humbly pray. Amen.

Rep. Franklin T. Tilton led the Pledge of Allegiance.

The National Anthem was sung by Bethany Wheeler, 11th grade home-schooled student from Milford, and sister of Rep. James Wheeler.

LEAVES OF ABSENCE

Reps. Aboshar, Alger, Brueggemann, Peter Cote, Lessard, Naro, Palangas and Palazzo, the day, illness.

Reps. Bergin, Buhlman, Casey, Chaplin, Crane, Dorsett, Dowling, Gionet, Hess, Lawrence, Manning, Michon, Moran, Nowe, Owen, Rausch, Remick, Serlin, Tahir, Wallner, Wendelboe, Wiley and Winchell, the day, important business.

Reps. Mark Clark and Irish, the day, illness in the family.

INTRODUCTION OF GUESTS

Hon. David Wheeler, former Executive Councilor and Joy Wheeler, Everett and Muriel Wheeler, Nathaniel Wheeler, Sasha Maynich and Sheila Tirrell, parents, grandparents, brother and friends of the day's singer, guests of the House. Leadership Seacoast members, guests of Reps. Norelli and Sheila Francoeur. Midshipman Evan Miller, United States Naval Academy and Coralie Miller, grandson and daughter of Rep. Miller. Mary Garrity, Kathleen LaFond, Mary Ellen Sullivan, Patricia Blake and Joseph Garrity, mother and siblings of Rep. James Garrity. Donald and Donna Mills, guests of Rep. Eric Anderson.

SPECIAL GUESTS

Winners of the 2005 United States Collegiate Athletic Association Division II Championship, New Hampshire Technical Institute Mens Basketball Team, the first New Hampshire basketball team to win a national championship. Team members Chris Barker, Jesse Bopp, Nate Truncellito, Nate Stanton, Zach Hall, Unjum Khalid, Jason Szidat, Chris Lawes, Kevin Harrington, Matt Spanos, Joel Phillips, Calvin Akers, and Jason Atton, accompanied by staff members and Assistant Coaches, Chuck Lloyd and Justin Gorham and Head Coach Paul Hogan, guests of the House.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 40, 53, 58, 87, 99, 111, 124, 148, 160, 171, 242, 266, 277, 340, 444, 446, 457, 462, 504, 560 and 570.

Rep. Currier, Sen. D'Allesandro for the Committee

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 280, relative to the manner of service in divorce and child custody proceedings. (Amendment printed SJ 4/28/05)

Rep. McRae moved that the House concur and spoke in favor.

Adopted.

HB 469, regulating disputes between homeowners and contractors relative to residential construction defects. (Amendment printed SJ 4/21/05)

Rep. Sheila Francoeur moved that the House concur and spoke in favor.

Adopted.

HB 86, relative to property held in police department property rooms. (Amendment printed SJ 4/21/05)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

HB 303-FN, relative to the fire standards and training commission. (Amendment printed SJ 4/14/05)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

HB 401-FN-A, making an appropriation to the Seacoast Shipyard Association. (Amendment printed in SJ 4/21/05)

Rep. Hager moved that the House concur and spoke in favor.

Adopted.

HB 97, relative to replacing school budget committee members. (Amendment printed SJ 4/21/05)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

HB 512, establishing a commission to study property tax relief and reverse mortgages. (Amendment printed SJ 4/14/05)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

HB 263, relative to the use of design build and construction management methods for state capital projects. (Amendment printed SJ 4/14/05)

Rep. Chandler moved that the House concur and spoke in favor.

Adopted.

HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. (Amendment printed SJ 4/21/05)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.

Rep. Cady spoke against.

Rep. Patten spoke in favor.

Adopted.

The Speaker appointed Reps. Stohl, Dowd, Brundige and Nancy Johnson.

COMMITTEE REPORTS**CONSENT CALENDAR**

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 70, relative to the powers of special corporations, removed by Rep. Dalrymple.

SB 195, relative to the effective date of the law requiring the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program, removed by Rep. Mary Ellen Martin.

Consent Calendar adopted.

SB 112-FN, establishing a committee to study viatical settlements. OUGHT TO PASS

Rep. Tara G. Reardon for Commerce: The committee heard testimony regarding emerging interest in both viatical settlements and life settlements of life insurance policies. Although NAIC model legislation is available, some work is required to draft appropriate legislation. The committee and interested parties all agreed a study committee is the best way to come up with legislation. Vote 14-1.

SB 150-FN, relative to application fees for certain bank incorporations. OUGHT TO PASS

Rep. Stephen B. Stepanek for Commerce: This is a housekeeping bill which adjusts filing fees for banks so they are consistent with the filing fees of other business entities. Vote 18-1.

Referred to the Committee on Ways and Means.

SB 48-FN, prohibiting unlawful peering into the dwelling place of another. OUGHT TO PASS WITH AMENDMENT

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill was presented to protect individuals in their homes from those who we recognize as "Peeping Toms." The bill clarifies that an individual who knowingly enters a person's property without lawful authority for the purpose of peering into a dwelling place in reckless disregard and infringing upon the inhabitant's privacy is guilty of a misdemeanor. The committee amendment has the support of the Merrimack County Attorney and the New Hampshire Attorney General's Office. Vote 14-0.

Amendment 1233(h)

Amend RSA 644:9, IV-V as inserted by section 1 of the bill by replacing it with the following:

IV. A person is guilty of a misdemeanor if such person knowingly enters any residential curtilage, as defined in RSA 627:9, I, or any other private place as defined in paragraph II of this section, without lawful authority and looks into the residential structure thereon or other private place in reckless disregard of infringing on the inhabitant's right of privacy.

[FV] V. Paragraphs I and II shall not be construed to impair or limit any otherwise lawful activities of law enforcement personnel, nor are paragraphs I and II intended to limit employees of governmental agencies or other entities, public or private, who, in the course and scope of their employment and supported by articulable suspicion, attempt to capture any type of visual image, sound recording, or other physical impression of a person during an investigation, surveillance, or monitoring of conduct to obtain evidence of suspected illegal activity, the suspected violation of any administrative rule or regulation, a suspected fraudulent insurance claim, or any other suspected fraudulent conduct or activity involving a violation of law, or pattern of business practices adversely affecting the public health or safety.

AMENDED ANALYSIS

This bill prohibits a person from knowingly entering any residential curtilage or any other private place, without lawful authority and looking into the residential structure thereon or other private place in reckless disregard of infringing on the inhabitant's right of privacy.

SB 106-FN, making unauthorized recording in a motion picture theater a crime. OUGHT TO PASS

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee heard testimony from the Motion Picture Association concerning the unauthorized recording of motion pictures within theaters. Many times the pirated copy of a newly released film appears simultaneously and before the film is offered in a DVD version. This illegal recording costs the industry an estimated \$3.5 billion. The committee agrees with the Senate that this type of activity should be a crime within the State of New Hampshire. Vote 14-1.

SB 156-FN, relative to criminal trespass. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill was introduced to increase the penalty for destruction of property of another when the damage is in excess of \$1,000. The Senate version of the bill made it a class B felony. The amended version makes it a misdemeanor for the first offense and a class B felony for any subsequent offense, if the person knowingly or recklessly causes damage in excess of \$1,000 to the value of the property of another. Vote 15-0.

Amendment (1195h)

Amend RSA 635:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Criminal trespass is a misdemeanor for the first offense and a class B felony for any subsequent offense if the person knowingly or recklessly causes damage in excess of \$1,000 to the value of the property of another.

AMENDED ANALYSIS

This bill establishes criminal trespass as a misdemeanor for the first offense and as a class B felony for any subsequent offense if a person knowingly or recklessly causes damage in excess of \$1,000 to the value of the property of another.

SB 53-FN, relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operations officer to chief financial officer in the department of environmental services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: After hearing testimony, the committee felt that changing the title of chief operations officer to chief financial officer should be submitted to the Hay Study. The change is not necessary as it could potentially cause the current position to be downgraded. It also could lead to having two positions in the department in the future: one a COO, the other a CFO. This bill was amended to eliminate the title change, but authorizes increased funding for the publishing of certain materials by the department of environmental services to allow DES to provide documents in paper, electronic or other media. It will also allow for a charge so that there is no cost to the state for producing these documents. In the past only printing on paper was allowed. There are many instances where DVD, etc. would enhance the geological formations and allow better use of land. Vote 15-0.

Amendment (1265h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to increased funding for publication of certain materials by the department of environmental services.

Amend the bill by deleting sections 2-4 and renumbering the original section 5 to read as 2.

AMENDED ANALYSIS

This bill authorizes increased funding for the publishing of certain materials by the department of environmental services.

Referred to the Committee on Finance.

SB 55, relative to the New Hampshire film and television commission and state promotional initiatives. **OUGHT TO PASS**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill adds members to the New Hampshire Film and Television Commission. Under RSA 21-K:23, this commission already exists. The only change is to expand membership and to encourage the use of New Hampshire talent whenever possible. Vote 13-0.

SB 41, relative to penalties for certain OHRV violations. **OUGHT TO PASS**

Rep. David L. Smith for Fish and Game: This bill corrects the omission in RSA 215-A:5-b of a fine relative to snowmobile operation on open water. The fine is to be \$200.00. Also the additional actions that would require a violator to participate in an OHRV training program - operating while intoxicated or under drug influence, refusal of consent, endangerment of person or property damage, failing to yield right-of-way, and operating on open water - are added. The bill is supported by the Fish and Game Department and was unanimously supported by the committee. Vote 12-0.

SB 98-FN, relative to issuing duplicate registrations for off highway recreational vehicles. **OUGHT TO PASS**

Rep. Bruce D. Heald for Fish and Game: The purpose of this bill is to allow for a duplicate OHRV registration for lost, stolen, mutilated, or destroyed registration. This document may be replaced by a duplicate registration upon payment of a fee of \$5.00 and completion of an affidavit setting forth the circumstances of the loss or destruction of the registration. The committee heard testimony on this bill and there was no opposition. This bill is the request of the Fish and Game Department. Vote 12-0.

SB 105, granting the executive director of fish and game authority to promote hunting, fishing, and wildlife-related activities. **OUGHT TO PASS WITH AMENDMENT**

Rep. John F. Klose for Fish and Game: This bill enables the director, with the approval of the commission, to promote hunting and fishing activities within the state. This can include joint activities with other profit and non-profit organizations. The director may, from time to time, reduce

the fees (or waive) for certain types of licenses. The original bill was too broad in scope, and moved to establish programs to accomplish the above. The bill as amended simply enables the director to do these things, which was the intent of the Fish and Game Department, who requested the bill. Vote 12-0.

Amendment (0920h)

Amend RSA 214:9-f as inserted by section 1 of the bill by replacing it with the following:

214:9-f Promotion Activities; Reductions in Fees Authorized. The executive director, with approval of the commission, may take such marketing actions to promote fisheries and wildlife resources, and attract hunters and anglers to the state as deemed necessary, which may include the reduction or the waiver of the fees for certain types of licenses for specified periods of time to promote license sales for hunting, fishing, and trapping in the state. This may include coordination of activities between the public and private sectors and utilization of promotional advertising, exhibits, brochures, technical assistance, and expertise as necessary to develop and promote hunting, fishing, and other wildlife-related activities within the state.

AMENDED ANALYSIS

This bill allows the executive director of fish and game to promote hunting, fishing, and wildlife-related activities, by marketing actions, private sector cooperation, or reductions or waivers of fish and game license fees.

Referred to the Committee on Ways and Means.

SB 88, relative to emergency medical transportation. **OUGHT TO PASS WITH AMENDMENT** Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill, unanimously supported by the committee, supplements existing statutes regarding inter-facility transfers of patients. In the event, a licensed emergency medical services provider is not available within 30 minutes, then a registered nurse certified in emergency nursing, an emergency physician, or an emergency physician's assistant can take the place of an E.M.T., provided that each is certified in advanced cardiac life support and has completed a bureau of emergency medical services inter-training module. Vote 18-0.

Amendment (1254h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Emergency Medical and Trauma Services; Exception. Amend RSA 153-A:16 by inserting after paragraph II the following new paragraph:

III. If a physician determines that an inter-facility transfer of a recognized critical access hospital patient is urgent and the availability of 2 licensed emergency medical services providers exceeds 30 minutes, then a registered nurse certified in emergency nursing, an emergency physician, or an emergency physician assistant may act as the responsible provider for the patient during the transfer, provided that each is certified in advanced cardiac life support and has completed a bureau of emergency medical services inter-facility training module.

2 Effective Date. This act shall take effect 60 days after its passage.

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests. **OUGHT TO PASS WITH AMENDMENT**

Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill, as amended, establishes in statute a Newborn Screening Advisory Committee within the Department of Health and Human Services. Newborn screening tests have been performed in New Hampshire for more than 15 years, and screen for a variety of metabolic disorders. The disorders range in severity and consequence, and if left undiagnosed or untreated, result in severe retardation or death. The advisory committee includes a member of the Health and Human Services Oversight Committee as well as representation of health care subspecialties, and members of the community. The advisory committee evaluates and makes recommendations on the newborn screening testing panel as knowledge, technology, and testing procedures become available and affordable. This bill emphasizes prevention, early diagnosis and treatment, which will save lives and reduce disabilities in our children. Vote 15-0.

Amendment (1053h)

Amend the bill by replacing all after the enacting clause with the following:

1 Newborn Screening Tests. Amend RSA 132:10-a to read as follows:

132:10-a Newborn Screening Tests Required; *Newborn Screening Advisory Committee*.

I. The physician, hospital, nurse midwife, midwife, or other health care provider attending a newborn child shall test a newborn child for metabolic disorders. Such tests shall include, but not be limited to, phenylketonuria, galactosemia, homocystinuria, maple syrup urine disease, and hypothyroidism. *Additional disorders shall be added to the newborn screening panel based upon, but not limited to, the following considerations:*

(a) *The disorder is well-defined with a known incidence.*

(b) *The disorder is associated with significant morbidity and/or mortality.*

(c) *The disorder can be detected with a screening test that is ethical, safe, accurate, and cost-effective.*

(d) *Effective treatment exists for the disorder, and that early treatment, meaning before the onset of symptoms, is more effective in improving health outcomes than later treatment.*

II. *Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services shall establish fees, pursuant to RSA 541-A, to be paid by hospitals for the tests required under paragraph I. Moneys from the fees under this section shall be used by the department to cover laboratory analysis and related program costs under a contract competitively bid and approved by governor and council.*

III. *The department of health and human services shall establish a newborn screening advisory committee which shall include a member of the oversight committee on health and human services, established in RSA 126-A:13, and representation from health care subspecialties, as determined by the department.*

IV. *The department shall make an annual report commencing on January 1, 2006 to the oversight committee on health and human services relative to newborn screening tests which shall include, but not be limited to the number and type of tests performed and their fiscal impact.*

2 Rulemaking; Fees for Newborn Screening Tests. Amend RSA 132:10-b, III to read as follows:

III. Newborn screening tests *and how fees for such tests are to be determined.*

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Clarifies the tests to be given to newborn children.

II. Grants rulemaking authority to the commissioner of health and human services to determine how the fees for such tests are to be determined.

III. Requires the department of health and human services to establish a newborn screening advisory committee.

Referred to the Committee on Ways and Means.

SB 119, establishing a committee to study exempting acute care rehabilitation from the nursing home moratorium. **INEXPEDIENT TO LEGISLATE**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill is to form a committee to study exempting acute care rehabilitation from the nursing home moratorium. There is a Certificate of Need Board (C.O.N.) that meets regularly to review and make decisions on what is best for New Hampshire as it pertains to duplications of medical services, etc. It is empowered to make a decision regarding whether or not to permit new medical facilities or services with the objective to help keep medical costs down. This bill was an attempt to promote a piece of legislation which would have overturned a C.O.N. decision, which would have interfered with the work of the C.O.N. board. The committee was unanimous in its decision not to interfere with the nursing home moratorium currently in law. Vote 15-0.

SB 171, establishing a committee to study HIV/AIDS service delivery. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill was unanimously and vigorously supported by the committee. H.I.V./A.I.D.S. continues to be a serious health problem in New Hampshire. There are indications that the virus is increasing and affecting a number of our citizens. There are ominous signs that there will be decreasing federal financial support for New Hampshire. In addition, New Hampshire has not provided fiscal support in the past. Due to the critical nature of the illness, New Hampshire requires a critical review of the public health delivery system. This bill provides for this study. Vote 15-0.

SB 216, establishing a commission to study area agencies. OUGHT TO PASS WITH AMENDMENT

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: This bill establishes a commission to study the operations of the 12 area agencies which serve clients with developmental disabilities. The commission will examine the services provided by these agencies and the efficiency with which such services are delivered. The commission members will also look into ways the area agencies may be able to operate more cost effectively under the umbrella of the Community Support Network. Members of the committee will include legislators, a designee of the Department of Health and Human Services, representatives from the area agencies, the New Hampshire Developmental Disabilities Council, the Disabilities Rights Center, as well as members representing persons with developmental disabilities and the business community. Vote 13-0.

Amendment (1229h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study area agencies and their role in providing services to New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes that a thorough examination of the operation of New Hampshire's 12 area agencies is necessary to identify administrative and operative efficiencies which may be available for adoption either through private action on the part of such agencies themselves, through state action by rule or statute, or through a combination thereof. Therefore, the general court hereby establishes a commission to identify the essential operations of the area agencies and to also identify ways in which such agencies may operate more efficiently and cost effectively; provided, that it is not the intent of this act to eliminate area agencies, set the number of area agencies, or compromise the services provided by such agencies.

2 Commission Established. There is established a commission to study the 12 area agencies that administer programs and services for persons with developmental disabilities and acquired brain disorder.

3 Membership and Compensation.

I. The members of the commission shall be as follows:

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house.
- (c) The commissioner of the department of health and human services, or designee.
- (d) One representative of the New Hampshire Developmental Disabilities Council, appointed by the council.
- (e) Two representatives of area agencies, appointed by the Community Support Network, Inc.
- (f) Two public members representing persons with developmental disabilities and acquired brain disorder and their families served by the area agencies, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the speaker of the house of representatives after consultation with the statewide family support council.
- (g) A representative of the Disabilities Rights Center, appointed by the executive director.
- (h) Two representatives of the business community, neither of whom shall have any affiliations or interests in developmental disabilities, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties. The commission shall conduct a broad examination of New Hampshire's 12 area agencies. The commission's study shall include, but not be limited to a review of the efficiency of the services provided by such agencies and the delivery system of such services. Specifically, the commission shall examine whether there are ways in which the area agencies may operate more efficiently and cost effectively without compromising the services provided by such agencies.

5 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

6 Report. The commission shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2005.

7 Effective Date. This act shall take effect upon its passage.

SCR 4, supporting federal funding for Lyme disease research. OUGHT TO PASS

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: The committee heard testimony from the State Lyme Disease Association, Lyme disease sufferers, the State Epidemiologist, and a family practice physician certified in environmental medicine. There was unanimous support for continued federal funding for Lyme disease research. Lyme disease is a complex disease which needs more research to develop sound policy to prevent the continued spread of this disease in our state. This resolution supports Federal funding for research, early detection, testing, and educational awareness of Lyme disease, a significant public health issue in our state. Vote 15-0.

SB 37, relative to disclosure of expert testimony. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory M. Sorg for Judiciary: This bill was filed to correct an unintended consequence of the bill enacted on this subject as Chapter 118:I of the laws of 2004. The schedule for disclosures of and by expert witnesses passed in 2004 applied to both civil and criminal cases. The testimony at the public hearing on SB 37 was unanimous that this schedule is impractical for criminal cases, and further, that disclosures in criminal cases conducted pursuant to Superior Court Rule 98 and District Court Rule 210 work very well. This bill, as amended, excepts criminal cases from the expert witness disclosure requirements of RSA 516:29-b III. Vote 15-0.

Amendment (1151h)

Amend the bill by replacing section 1 with the following:

I Disclosure of Expert Testimony. RSA 516:29-b, III is repealed and reenacted to read as follows:

III. Except as otherwise stipulated by the parties, or directed by the court, the disclosures required under paragraphs I and II shall be made:

(a) In a civil case, at least 90 days before the trial date or the date the case is to be ready for trial or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, within 30 days after the disclosure made by the other party.

(b) In a criminal case, in accordance with court rule.

SB 59, relative to the general powers and duties of guardianship. OUGHT TO PASS

Rep. Robert D. Mead for Judiciary: Per RSA 464-A:25, a guardian of an incapacitated person who has specific powers and duties by order of the court is required to file an annual report with the probate court. The annual report requirement is tracked on the court's data system and flagged on its due date. This amendment, at the request of the administrative judge of the probate court, will allow the court to waive the annual reporting requirement in circumstances where the need for a report is unnecessary due to a recent case review or court hearing. In addition, it would change the every 5-year requirement for a court review of the authorization and duties of the guardian to become an annual review as part of the court's review of the guardian's annual report. Vote 12-0.

SB 60, clarifying probate court procedures in cases involving the Uniform Transfers to Minors Act. OUGHT TO PASS

Rep. Donald R. Buxton for Judiciary: This bill clarifies probate court procedures in cases involving Uniform Transfers to Minors. There was no opposition to this bill at the public hearing. Vote 13-0.

SB 102-FN, limiting liability for failure to arrest persons under 21 years of age illegally transporting alcoholic beverages. INEXPEDIENT TO LEGISLATE

Rep. Gregory M. Sorg for Judiciary: As amended by the Senate, this bill would reverse the rule established by the Supreme Court in the 1986 case of *Weldy v. Town of Kingston*, 128 NH 325, in which it held that a municipality can be held liable if, after its police have released minors following seizure of alcohol during a traffic stop, they acquire more alcohol and have an alcohol-related automobile accident. The Senate amendment however completely contradicted the intent of the original bill. Consequently, its sponsors testified against it at the public hearing, as did the representative of the New Hampshire Chiefs of Police, all of whom want the police to have no discretion in such matters, but want the police to be required to detain such minors and cause responsible adults to pick them up and take them home. The committee agreed with this position. Vote 15-0.

SB 224, relative to the committee on judicial conduct. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory M. Sorg for Judiciary: This bill was filed at the request of the supreme court to allow a person under inquiry by the Judicial Conduct Committee to provide in his or her defense evi-

dence that would otherwise be required by statute to be confidential. Examples include judicial proceedings involving children in need of services, adoptions, and juvenile justice. This bill, as amended, allows such confidentiality to be breached for the limited purpose of reviewing complaints and conducting hearings before the Judicial Conduct Committee. Vote 14-0.

Amendment (1158h)

Amend RSA 490:30-a as inserted by section 1 of the bill by replacing it with the following:

490:30-a Access to Information; Hearings on Confidential Cases.

I. In this section, "committee" means the committee on judicial conduct established by rules of the supreme court.

II. Notwithstanding any other provision of law to the contrary, a person subject to the code of judicial conduct may provide to the executive secretary of the committee, for the use of the members of the committee and its staff and agents in the performance of their official duties, any tapes, transcripts, records of proceedings, information, files, and other documents which would otherwise be confidential. No member, staff, or agent of the committee shall disclose such information except in the course of official duty.

III. In any hearing before the committee, the committee may, by majority vote, conduct the hearing in a session not open to the public with respect to any part of the complaint involving the conduct of a person in a case required by law to be confidential. In such circumstances the committee shall make available to the public a summary of the nature of the complaint, the names of the person complained against, and the complainant, and the decision of the committee.

SB 99-FN, relative to the penalty for failure to file a property inventory form. INEXPEDIENT TO LEGISLATE

Rep. Eric G. Stohl for Municipal and County Government: This bill proposes the removal of the appeal penalty of an abatement denial for failure to file a property inventory form in a timely manner. A property inventory form is a document that reports any changes that occurred on a person's property during the preceding year. The committee heard testimony that there are a very limited number of municipalities that continue to use the inventory forms. The municipalities that do use the form appear to be mainly the smaller communities. These communities use this reporting form to alert the governing body to any improvements to property. When the returned form indicates an improvement, the assessor is sent to the property to place a new value. This method is a cost saving to the smaller municipalities that do not maintain a full-time assessing staff. Without this loss of appeal penalty in place, the only penalty left would be a small monetary penalty of no less than \$10 or more than \$50. With the property taxes being what they are today, the committee feels that keeping the law the way it is now is the best for those municipalities using the property inventory form. Vote 12-0.

SB 126, establishing a committee to study the appeals process in cases between landlords and tenants. OUGHT TO PASS

Rep. Nancy K. Johnson for Municipal and County Government: The testimony in support of establishing a study committee indicated that the time period it takes to evict a tenant can be extremely lengthy. In late 2003, the New Hampshire Supreme Court decided to accept all appeals: criminal, civil, probate, landlord/tenant, etc. With this decision the court takes 4-6 weeks to accept the appeal, allows 30 days for the appealing party's brief, then an additional 30 days for the opposing brief and then 30-60 days for the court to rule. This could add up to five months to the process. The purpose of the committee established by this bill is to study possible ways to reduce the delays in and length of the appeals process in cases between landlords and tenants. Vote 12-0.

SB 203, relative to leases and contracts for buildings or lands owned by the fish and game department. OUGHT TO PASS WITH AMENDMENT

Rep. John A. Graham for Public Works and Highways: This bill allows the Executive Director of the Fish and Game Department to execute short term leases for the use of buildings or land owned by the department. The amendment reduces the proposed length of such leases from 2 years to 30 days. It also requires the department to develop a fee schedule for such leases and obtain approval of this schedule from the Long Range Capital Planning and Utilization Committee. Finally, the bill authorizes the Executive Director to assign department housing at no cost to employees who must accept such lodging as a condition of their employment. Vote 15-0.

Amendment (1252h)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Fish and Game; Acquisition of Land; Leases and Privileges. Amend RSA 212 by inserting after section 10-a the following new section:

212:10-b Leases and Privileges.

I. The executive director of the fish and game department may execute leases or contracts for the short-term use of buildings or lands owned by the department. All such leases or contracts extending for a cumulative period of more than 30 days or for a consideration of more than \$5,000 shall be approved by the governor and council prior to being effective. All such leases and contracts shall be consistent with the purposes of Title XVIII. All money collected from such contracts and leases shall be credited to the fish and game fund established under RSA 206:33.

II. The executive director of the fish and game department may assign department housing without charge to a classified employee, including only, any or all of the following utilities: heat, fuel, gas, electricity, and water; provided, that said housing is being furnished for the operational convenience of the department, the housing is on state property administered and managed by the department, and the classified employee is required to accept such lodging as a condition of employment.

2 Fish and Game Department; Fee Schedule. The fish and game department shall develop a fee schedule for short-term use of less than 30 days of department buildings and lands authorized to be used pursuant to the authority in RSA 212:10-b, I as inserted by section 1 of this act. Prior to implementation, the department shall submit the fee schedule to the long range capital planning and utilization committee of the general court for its approval.

SB 227, naming a certain bridge in the town of Enfield the Henry P. Brown, M.D. Bridge, renaming the White Mountain Attraction Building as the Dick Hamilton Building, and renaming the Twin Mountain Bridge as the Kenneth B. Jordan Memorial Bridge. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edmond D. Gionet for Public Works and Highways: Part 2 of the original bill named a building in Lincoln which has been amended to the correct building location, the Town of Woodstock. Testimony and correspondence showed that the land on which the building is located was donated by Norman B. Fadden and was dedicated at the local level by Governor Meldrim Thomson, DRED Commissioner Gus Gilman and former Governor and Presidential assistant Sherman Adams as part of the Bicentennial Celebration in 1976. The committee felt that it was appropriate that the building be named for Norman B. Fadden, and amended the bill to do so. The rest of the bill naming bridges in Carroll and Enfield remains the same. Vote 15-1.

Amendment (1216h)

Amend the title of the bill by replacing it with the following:

AN ACT naming a certain bridge in the town of Enfield the Henry P. Brown, M.D. Bridge, naming the White Mountains Attractions Building the Norman B. Fadden White Mountains Attractions Building, and naming a bridge in the town of Carroll the Kenneth B. Jordan Memorial Bridge.

Amend the bill by replacing all after the enacting clause with the following:

1 Town of Enfield; Henry P. Brown, M.D. Bridge. Pursuant to RSA 4:43, the bridge on Shaker Hill Road which spans the Mascoma River in the town of Enfield is hereby named the Henry P. Brown, M.D. Bridge in honor of Dr. Brown's years of selfless and dedicated service to the citizens of the town of Enfield. A suitable marker may be placed at the site of the bridge.

2 Naming the Norman B. Fadden White Mountains Attractions Building. The White Mountains Attractions Building in the town of Woodstock is hereby named the Norman B. Fadden White Mountains Attractions Building. A suitable marker may be placed at the site of the building.

3 Naming a Bridge in the Town of Carroll the Kenneth B. Jordan Memorial Bridge. The bridge located at the approximate crossroads of New Hampshire routes 3 and 302 in the town of Carroll is hereby named the Kenneth B. Jordan Memorial Bridge. A suitable marker may be placed at the site of the bridge.

4 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under sections 1 and 3 of this act shall be approved by the department of transportation.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

- I. Names the Henry P. Brown, M.D. Bridge in the town of Enfield.
- II. Names the White Mountains Attractions Building in the town of Woodstock as the Norman B. Fadden White Mountains Attractions Building.
- III. Names a bridge in the town of Carroll the Kenneth B. Jordan Memorial Bridge.

SB 5, establishing a commission to study the state park system. OUGHT TO PASS WITH AMENDMENT

Rep. David P. Currier for Resources, Recreation and Development: This bill establishes a commission to study, evaluate, and make recommendations for legislation on the state park system and the division of parks and recreation, department of resources and economic development including, but not limited to: the mission, the continued efficacy of self-funding the state park system, the leasing of public lands and properties to private interests and the development of a long-term capital improvements plan. The committee amendment expanded the membership of the commission and clarified various interest groups that will be represented on the commission, including members of the general public. Vote 19-0.

Amendment (1190h)

Amend the bill by replacing all after the enacting clause with the following:

- 1 Commission Established. There is established a commission to study:
 - I. The mission of the state park system as outlined in RSA 216-A:1 and the division of parks and recreation, department of resources and economic development.
 - II. The continued efficacy of self-funding of the state park system.
 - III. The leasing of state parks and property for private commercial gain.
 - IV. The development of a long-term capital improvements plan for the state park system.
- 2 Membership and Compensation.
 - I. The members of the commission shall be as follows:
 - (a) Three members of the senate, appointed by the president of the senate.
 - (b) Three members of the house of representatives, appointed by the speaker of the house of representatives.
 - (c) The commissioner of the department of resources and economic development, or designee.
 - (d) Eight members of the public, appointed by the governor and council, of whom 6 shall each represent: natural resources, cultural resources, tourism, not-for-profit conservation interests, municipal interests, and motorized outdoor recreational interests, and 2 of whom shall represent the general public.
 - II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.
- 3 Duties.
 - I. The commission shall study, evaluate, and make recommendations for legislation on:
 - (a) The mission of the state park system and the division of parks and recreation, department of resources and economic development.
 - (b) The continued efficacy of self-funding the state park system.
 - (c) The leasing of public lands and properties to private interests and the circumstances under which such leasing is permissible.
 - (d) The development of a long-term capital improvements plan for the state park system.
 - (e) Any other matters relating to the state park system and the operation of the division of parks and recreation, department of resources and economic development as the commission may deem necessary.
 - II. The commission shall solicit advice and expertise from members of the public representing not-for-profit conservation interests, municipal interests, and non-motorized outdoor recreational interests.
 - III. The commission shall solicit the advice and expertise of any individual, state agency or organization, or state employee in fulfilling its duties.
- 4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. A simple majority of the total number of members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 30, 2006. An interim report shall be filed on or before November 30, 2005.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a commission to study the mission of the state park system and the division of parks and recreation, department of resources and economic development, including the continued efficacy of self-funding the state park system, the leasing of public lands and property to private interests and the circumstances under which such leasing is permissible, and the development of a long-term capital improvements plan for the state park system.

SB 142, extending the reporting date of the commission to study issues relative to groundwater withdrawals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jacalyn L. Cilley for Resources, Recreation and Development: This Commission was established in 2003 by SB 155 with a reporting date of November 30, 2004. The Commission was charged with studying a wide variety of groundwater issues, ranging from fees for water withdrawals to examining the hierarchy of use. This session, the Commission recommended one piece of legislation (HB 215-FN) at the end of its term dealing with reporting requirements. Many issues remain to be addressed, and the Commission members voted unanimously to request this extension to continue its work. SB 142, as amended, extends the term of the Commission to November 30, 2008, provides for interim reports to be submitted and also provides for legislative oversight by the House Resources, Recreation and Development and the Senate Environment and Wildlife Committees. Vote 19-0.

Amendment (1020h)

Amend the bill by replacing section 1 with the following:

1 Commission to Study Issues Relative to Groundwater Withdrawals; Reporting Date Extended. Amend 2003, 305:5 to read as follows:

305:5 Report. The commission shall make an interim report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2003. The commission shall make ~~[a final report]~~ *additional interim reports* of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 30~~[-2004]~~ *of each year, with the final report due on or before November 30, 2008. The senate environment and wildlife committee and the house resources, recreation and development committee shall have oversight responsibility for the progress of the commission and shall receive copies of all interim reports.*

AMENDED ANALYSIS

This bill extends the reporting date for the commission to study issues relative to groundwater withdrawals until November 30, 2008 and gives oversight responsibility for the commission's progress to 2 legislative committees.

SB 226, relative to the regulation of snowmobiles and off highway recreational vehicles. **OUGHT TO PASS**

Rep. Christopher R. Irish for Resources, Recreation and Development: The committee understands there is some confusion regarding current regulations relative to OHRV and snowmobile use in the state. The committee agrees that one way to help clarify OHRV regulation is to separate snowmobiles from under the OHRV designation. This new section RSA 215-C, will begin the process of clarifying the differences between certain types of vehicles and the need for separate statutory regulation of each. This bill adds a new section entitled "SNOWMOBILES" and simply copies existing regulations into the new section. No current authority or responsibility of the Department of Resources and Economic Development or the Fish and Game Department will be changed. Vote 17-2.

SB 152-FN, relative to audits by the department of revenue administration of enhanced 911 charges and relative to the confidentiality of information collected by the department of safety regarding the surcharge for enhanced 911 system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: This is a housekeeping bill which allows the department of revenue administration to audit telephone companies for enhanced 911 charges when they audit for other state fees. The bill requires the department of safety to keep confidential and privileged any information it obtains in the administration of the enhanced 911 surcharge. The amendment changes the effective date to upon passage. Vote 11-0.

Amendment (1025h)

Amend RSA 106-H:9, III(b) as inserted by section 5 of the bill by inserting after subparagraph (3) the following new subparagraph:

(4) Disclosure of department records, files, and information to the legislative budget assistant, when requested by the legislative budget assistant pursuant to RSA 14:31, IV.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

Referred to the Committee on Ways and Means.

REGULAR CALENDAR

SB 49-FN, including multiple sclerosis in the catastrophic illness program. **OUGHT TO PASS**

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: The committee heard compelling testimony to lead the committee to include multiple sclerosis in to the category of "catastrophic illness." The inclusion of multiple sclerosis would be combined with other illnesses including cancer, hemophilia, end-stage renal disease, spinal cord injury, and cystic fibrosis. Those eligible for assistance are those with low income, as are those mentioned above. These expenses would be covered by the catastrophic illness fund currently in the Health and Human Services budget. Vote 13-2. Committee report adopted and ordered to third reading.

SB 101-FN, relative to developmentally disabled services for persons under 21 years of age. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Fran Wendelboe for the Majority of Health, Human Services and Elderly Affairs: This bill would permit a person between 18 and 21 with a developmental disability, who receives special education services, to apply for residential services from an area agency. Several members were concerned about possible unintended consequences. Others expressed concerns that individuals under the age of 21 could potentially rise to the top of the waitlist over others who had been on the list for years. It became apparent that there are some situations that fall through the cracks and the majority of the committee felt this should be looked at by the Legislative Disability Waitlist Oversight Committee. The legislation has a large fiscal note attached and appears to potentially impact areas that may include education costs and the children in need of services statutes (CHINS). The Legislative Disability Waitlist Oversight Committee will bring together all these players and make further recommendation. Therefore, this piece of legislation is not needed for this purpose. Vote 11-6.

Rep. Thomas E. Donovan for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee, recognizing the emotional aspect of this bill, as it may relate to the developmental disabilities waitlist, also realizes that this issue is much broader than solely the waitlist. Individuals that fall into this category of need in many cases are also eligible for educational services and are potentially eligible for children's services through the Division of Children, Youth and Families. In light of that, the minority felt strongly that this issue needs to be addressed through a more global effort and thus, we are recommending ought to pass.

On a division vote, 206 members having voted in the affirmative and 136 in the negative, the majority committee report was adopted.

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program. **OUGHT TO PASS**

Rep. Rogers J. Johnson for Health, Human Services and Elderly Affairs: In December of 2003, the Congress passed and the President signed the Medicare Modernization Act of 2003. This law created Medicare Part D. Medicare Part D will provide prescription drug benefits for all Medicare eligible citizens, including our New Hampshire citizens who are on Medicaid. In order to pay for this benefit, the federal government has mandated that our Medicaid Prescription Drug Benefit rebates, money we receive because we provide pharmaceutical products to this population, is sent to the federal government. This bill will allow the Department of Health and Human Services to recoup these dollars for the state. Vote 16-2.

Committee report adopted.

Referred to the Committee on Finance.

SB 183, authorizing licensed medical adult day program facilities to assist clients with medication. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joan H. Schulze for the Majority of Health, Human Services and Elderly Affairs: The majority of the committee realized that this bill is a copy of Section 10 of HB 691, which passed in the House April 20, 2005, and was passed to the Senate. This section of the bill provides a cost savings in that a nurse, licensed under RSA 326-B, employed by a facility in the course of employment can organize the prescription and non prescription drugs of clients into containers designed to aid clients in carrying out a prescriber's directions, provided that the organizing of drugs is documented in the client's nursing record and that the original prescription containers remain in the client's possession. Vote 13-5.

Rep. Hilda W. Sokol for the Minority of Health, Human Services and Elderly Affairs: This bill insures that adult day program facilities can legally assist their clients with medication by organizing the prescription and non-prescription drugs into containers. Such dispersing of drugs will be done by a licensed nurse and will be documented in the client's nursing record, while the original prescriptions will be kept in the program facility or client's home. This bill should be passed since another bill that contains this provision has passed the House, but has not yet been acted upon by the Senate.

Majority committee report adopted.

SB 182-FN, relative to electronic issuance of warrants. **OUGHT TO PASS**

Rep. Donald R. Buxton for Judiciary: This bill allows New Hampshire judges to issue search warrants and arrest warrants by electronic communication and to use an electronic signature. The committee felt that making use of modern technology would speed up the process of obtaining these warrants. Vote 14-2.

Reps. Ulery and Guida spoke against and yielded to questions.

Rep. Buxton spoke in favor and yielded to questions.

Reps. Tholl and Sorg spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 229 NAYS 119

YEAS 229

BELKNAP

Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Russell, David
Thomas, John	Tilton, Franklin	Veazey, John	Whalley, Michael

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiels, Peter	Foot, Sheila	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Morneau, Renney	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr			

GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Allan, Nelson
 Batula, Peter
 Calawa, Leon Jr
 Chase, Claudia
 Cote, David
 Dokmo, Cynthia
 Foster, Linda
 Golding, William
 Hall, Betty
 Hebert, Raymond
 Jean, Claudette
 Lasky, Bette
 Messier, Irene
 Pappas, Christopher
 Ross, Lawrence
 Shaw, Kimberly
 Sullivan, Francis

Baines, Stephen
 Beaulieu, Jane
 Campbell, David
 Christensen, D L Chris
 Craig, James
 Drisko, Richard
 Francoeur, Bea
 Goley, Jeffrey
 Hansen, Ryan
 Hunter, Bruce
 Kopka, Angeline
 Lefebvre, Roland
 Mooney, Maureen
 Pilotte, Maurice
 Ryder, Donald
 Slocum, Lee
 Sullivan, Peter

Baroody, Benjamin
 Brassard, Paul
 Carter, Mark
 Clayton, William
 Daniuk, Caitlin
 Egbers, Fran
 Gargas, Carolyn
 Gorman, Mary
 Harvey, Suzanne
 Irwin, Anne-Marie
 Kurk, Neal
 Matarazzo, Anthony Sr
 Movsesian, Lori
 Price, Pamela
 Schulze, Joan
 Smith, David
 Velez, Hector

Barry, J Gail
 Brundige, Robert
 Chabot, Robert
 Clemons, Jane
 DeVries, Betsi
 Essex, David
 Garrity, Patrick
 Graham, John
 Hawkins, Ken
 Jasper, Shawn
 L'Heureux, Robert
 Mead, Robert
 O'Connell, Timothy
 Rosenwald, Cindy
 Shaw, Barbara
 Stepanek, Stephen

MERRIMACK

Anderson, Eric
 DeJoie, John
 Hamm, Christine
 Lockwood, Priscilla
 Potter, Frances
 Shurtleff, Stephen
 Yeaton, Charles

Blanchard, Elizabeth
 Foose, Robert
 Kidder, David
 MacKay, James
 Reardon, Tara
 Tilton, Joy

Clarke, Claire
 French, Barbara
 Klose, John
 McMahon, Patricia
 Reed, Dennis
 Walz, Mary Beth

Currier, David
 Hager, Elizabeth
 L'Heureux, Stephen
 Oliver, James
 Rush, Deanna
 Williams, Robert

ROCKINGHAM

Abbott, Dennis
 Buxton, Donald
 Dalrymple, Janeen
 Flockhart, Eileen
 Griffin, Mary
 Katsakiores, Phyllis
 McMahon, Charles
 O'Neil, Michael
 Powers, James
 Sanders, Elisabeth
 Weare, E Alberi

Belanger, Ronald
 Charron, Gene
 Dodge, Robert
 Garrity, James
 Ingram, Russell
 Langley, Jane
 Moody, Marcia
 Packard, Sherman
 Priestley, Anne
 Scamman, Stella
 Welch, David

Blanchard, MaryAnn
 Coburn, James
 Dowd, John
 Gillick, Thomas
 Johnson, Robert
 Major, Norman
 Morris, Richard
 Pantelakos, Laura
 Robertson, Carl
 Stone, Joseph
 Weldy, Norman

Bridle, Russell
 Cooney, Richard
 Flanders, John Sr
 Gould, Kenneth
 Katsakiores, George
 Mason, April
 Norelli, Terie
 Parker, Benjamin
 Rolston, James
 Waterhouse, Kevin
 Wells, Roger

STRAFFORD

Albert, Russell
 Callaghan, Frank
 Dunlap, Patricia
 Kaen, Naida
 Rous, Emma
 Spang, Judith

Berube, Roger
 Cilley, Jacalyn
 Goodwin, Earle
 Knowles, William
 Schmidt, Peter
 Taylor, Katherine

Bickford, David
 Creteau, Irene
 Heon, Richard
 Miller, Joseph
 Smith, Marjorie
 Taylor, Kathleen

Brown, Jennifer
 Domingo, Baldwin
 Johnson, Nancy
 Rollo, Michael
 Snyder, Clair
 Wall, Janet

SULLIVAN

Cloutier, John
 Franklin, Peter
 Prichard, Stephen

Converse, Larry
 Houde-Quimby, Charlotte
 Rodeschin, Beverly

Donovan, Thomas
 Jillette, Arthur Jr

Ferland, Brenda
 Osgood, Philip Sr

NAYS 119**BELKNAP**

Boyce, Laurie
 Tobin, William

Morrison, Gail

Pilliod, James

Rosen, Ralph

CARROLL

Babson, David Jr	Dickinson, Howard	Merrow, Harry
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CHESHIRE

Mitchell, Bonnie	Parkhurst, Henry	Roberts, Kris	Sawyer, Sheldon
Tilton, Anna	Weed, Charles		

COOS

Merrick, Scott

GRAFTON

Andersen, Gene	Barker, Robert	Cooney, Mary	Eaton, Stephanie
Giuda, Robert	Ingretson, Paul	Maybeck, Margie	Mirski, Paul
Solomon, Peter			

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Carew, James	Carlson, Donald	Christiansen, Lars
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Gibson, John
Ginsburg, Ruth	Gonzalez, Carlos	Goyette, Peter Jr	Hagan, Barbara
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Infantine, William	Johnson, Paula	Manney, Pamela	Martin, Mary Ellen
McRae, Karen	O'Brien, William	Ober, Lynne	Pepino, Leo
Reeves, Sandra	Renzullo, Andrew	Rochette, Eric	Rowe, Robert
Scanlon, Michael	Souza, Kathleen	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Bouchard, Candace	DeStefano, Stephen	Field, William	Gile, Mary
Greco, Vincent	Kennedy, Richard	Langlais, Thomas	Marple, Richard
Osborne, Jessie	Ryan, Jim	Soltani, Tony	Tupper, Frank
Whiting, Herbert			

ROCKINGHAM

Allen, Mary	Bicknell, Elbert	Bishop, Franklin	Cady, Harriet
Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon	DiFruscia, Anthony
Donahue, Richard Ken	Dumaine, Dudley	Fesh, Bob	Forsing, Robert
Francoeur, Sheila	Gilbert, Karl	Headd, James	Hughes, Daniel
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Rogers
Kobel, Rudolph	Lund, Howie	McKinney, Betsy	Moore, Benjamin
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Smith, Paul
Splaine, James	Stiles, Nancy	Weyler, Kenneth	Zolla, William

STRAFFORD

Brown, Julie	Brown, Lawrence	Campbell, W Packy	Cataldo, Sam
Easson, Timothy	Hofemann, Roland	Hollinger, Jeffrey	Keans, Sandra
Newton, Clifford	Twombly, James		

SULLIVAN

Gale, Harry
 and the committee report was adopted.
 Rep. Coughlin declared a conflict of interest and did not participate.
 Ordered to third reading.

BILLS REMOVED FROM CONSENT CALENDAR**SB 70, relative to the powers of special corporations. OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill will allow the special corporations which are non profit corporations contained in RSA 292:1 to modify and expand their mission statements in compliance with the theme of their original mission subject to appropriate au-

thority approval such as the director of charitable trusts, the secretary of state or the attorney general when and where appropriate. It is the intent of this act to allow such organizations to keep up with and accommodate social change while complying with their original basic purpose. Vote 19-0.

Rep. Dalrymple moved recommit to committee.

Adopted.

Recommitted to the Committee on Executive Departments and Administration.

SB 195, relative to the effective date of the law requiring the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program. **INEXPEDIENT TO LEGISLATE**

Rep. Jim Ryan for Science, Technology and Energy: The committee conducted a hearing on the proposal, but during the course of the hearing learned that HB 58 dealing with the same subject had passed the Senate. Inasmuch as SB 195 seeks the same policy result as HB 58 (that is now fully adopted and awaiting only action by the Governor), the committee recommends that the Senate bill be marked ITL. The committee, however, does wish to note its appreciation to the bill sponsors together with the observation that efforts in both the House and Senate to place a firm date for restricting MtBE have demonstrated significant bipartisan cooperation. Vote 11-0.

Rep. Mary Ellen Martin spoke against.

Rep. Ryan spoke in favor.

Rep. Maxfield yielded to questions.

Rep. Hall moved recommit to committee.

On a division vote, 97 members having voted in the affirmative and 249 in the negative, the motion to recommit failed.

Rep. Mirski requested a roll call; sufficiently seconded.

The question now being adoption of the committee report.

YEAS 287 NAYS 64

YEAS 287

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Pratt, John	Roberts, Kris	Tilton, Anna	

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Morneau, Renney	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr			

GRAFTON

Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH

Baines, Stephen
 Beaulieu, Jane
 Brundige, Robert
 Chase, Claudia
 Craig, James
 Drisko, Richard
 Essex, David
 Ginsburg, Ruth
 Hansen, Ryan
 Holden, Randolph
 Jasper, Shawn
 Lefebvre, Roland
 O'Brien, William
 Pepino, Leo
 Renzullo, Andrew
 Rowe, Robert
 Shaw, Kimberly
 Stepanek, Stephen
 Wheeler, James

Baroody, Benjamin
 Bergeron, Jean-Guy
 Carew, James
 Christensen, D L Chris
 Daniuk, Caitlin
 Dyer, Donald
 Foster, Linda
 Golding, William
 Hawkins, Ken
 Hunter, Bruce
 Jean, Claudette
 Manney, Pamela
 O'Connell, Timothy
 Pilotte, Maurice
 Rochette, Eric
 Ryder, Donald
 Slocum, Lee
 Sullivan, Francis

Barry, J Gail
 Biundo, Michael
 Carter, Mark
 Clayton, William
 DeVries, Betsi
 Egbers, Fran
 Gargas, Carolyn
 Gonzalez, Carlos
 Hebert, Raymond
 Infantine, William
 Kopka, Angeline
 Matarazzo, Anthony Sr
 Ober, Lynne
 Price, Pamela
 Rosenwald, Cindy
 Schulze, Joan
 Smith, David
 Velez, Hector

Batula, Peter
 Boehm, Ralph
 Chabot, Robert
 Coughlin, Pamela
 Dokmo, Cynthia
 Elliott, Nancy
 Garrity, Patrick
 Graham, John
 Hirschmann, Keith
 Irwin, Anne-Marie
 L'Heureux, Robert
 Mead, Robert
 Pappas, Christopher
 Reeves, Sandra
 Ross, Lawrence
 Shaw, Barbara
 Souza, Kathleen
 Villeneuve, Maurice

MERRIMACK

Anderson, Eric
 Currier, David
 Foose, Robert
 Kidder, David
 Lockwood, Priscilla
 McMahon, Patricia
 Reardon, Tara
 Shurtleff, Stephen

Blanchard, Elizabeth
 DeJoie, John
 French, Barbara
 Klose, John
 MacKay, James
 Oliver, James
 Reed, Dennis
 Whiting, Herbert

Bouchard, Candace
 DeStefano, Stephen
 Hager, Elizabeth
 L'Heureux, Stephen
 Marple, Richard
 Osborne, Jessie
 Rush, Deanna
 Williams, Robert

Clarke, Claire
 Field, William
 Hamm, Christine
 Langlais, Thomas
 Maxfield, Roy
 Potter, Frances
 Ryan, Jim
 Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
 Bicknell, Elbert
 Buxton, Donald
 Carson, Sharon
 Dalrymple, Janeen
 Dowd, John
 Flockhart, Eileen
 Gillick, Thomas
 Hutchinson, Karen
 Katsakiores, George
 Lund, Howie
 McMahon, Charles
 Norelli, Terie
 Powers, James
 Rolston, James
 Stiles, Nancy
 Welch, David
 Zolla, William

Allen, Mary
 Bishop, Franklin
 Cady, Harriet
 Charron, Gene
 DiFruscia, Anthony
 Dumaine, Dudley
 Forsing, Robert
 Gould, Kenneth
 Ingram, Russell
 Katsakiores, Phyllis
 Major, Norman
 Moody, Marcia
 O'Neil, Michael
 Priestley, Anne
 Sanders, Elisabeth
 Stone, Joseph
 Weldy, Norman

Belanger, Ronald
 Blanchard, MaryAnn
 Cali-Pitts, Jacqueline
 Coburn, James
 Dodge, Robert
 Fesh, Bob
 Garrity, James
 Griffin, Mary
 Introne, Robert
 Kobel, Rudolph
 Mason, April
 Moore, Benjamin
 Packard, Sherman
 Quandt, Marshall Lee
 Scamman, Stella
 Waterhouse, Kevin
 Wells, Roger

Bettencourt, David
 Bridle, Russell
 Camm, Kevin
 Cooney, Richard
 Donahue, Richard Ken
 Flanders, John Sr
 Gilbert, Karl
 Headd, James
 Johnson, Robert
 Langley, Jane
 McKinney, Betsy
 Morris, Richard
 Pantelakos, Laura
 Robertson, Carl
 Splaine, James
 Weare, E Albert
 Weyler, Kenneth

STRAFFORD

Albert, Russell
 Brown, Lawrence
 Creteau, Irene
 Goodwin, Earle
 Johnson, Nancy

Berube, Roger
 Callaghan, Frank
 Domingo, Baldwin
 Heon, Richard
 Kaen, Naida

Bickford, David
 Cataldo, Sam
 Dunlap, Patricia
 Hofemann, Roland
 Keans, Sandra

Brown, Jennifer
 Cilley, Jacalyn
 Easson, Timothy
 Hollinger, Jeffery
 Knowles, William

Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Newton, Clifford
Snyder, Clair
Twombly, James

Rollo, Michael
Spang, Judith
Wall, Janet

Schmidt, Peter
Taylor, Katherine

SULLIVAN

Cloutier, John
Phinizy, James

Ferland, Brenda
Prichard, Stephen

Gale, Harry
Rodeschin, Beverly

Houde-Quimby, Charlotte

NAYS 64

BELKNAP

Whalley, Michael

CARROLL

None

CHESHIRE

Richardson, Barbara

Sawyer, Sheldon

Weed, Charles

COOS

Merrick, Scott

GRAFTON

Eaton, Stephanie

Giuda, Robert

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Calawa, Leon Jr
Clemons, Jane
Francoeur, Bea
Goyette, Peter Jr
Helliwig, Steve
Lasky, Bette
Mooney, Maureen
Ulery, Jordan

Allan, Nelson
Campbell, David
Cote, David
Gibson, John
Hagan, Barbara
Hinkle, Peyton
Martin, Mary Ellen
Movsesian, Lori
Vaillancourt, Steve

Balboni, Michael
Carlson, Donald
Desmarais, Vivian
Goley, Jeffrey
Hall, Betty
Johnson, Paula
McRae, Karen
Scanlon, Michael

Brassard, Paul
Christiansen, Lars
Emerton, Larry
Gorman, Mary
Harvey, Suzanne
Kurk, Neal
Messier, Irene
Sullivan, Peter

MERRIMACK

Gile, Mary
Tilton, Joy

Greco, Vincent
Tupper, Frank

Kennedy, Richard
Walz, Mary Beth

Soltani, Tony

ROCKINGHAM

Francoeur, Sheila
Putnam, Ed II

Hughes, Daniel
Quandt, Matthew

Itse, Daniel
Smith, Paul

Johnson, Rogers

STRAFFORD

Brown, Julie

Campbell, W Packy

Rous, Emma

SULLIVAN

Converse, Larry
Osgood, Philip Sr
and the committee report was adopted.

Donovan, Thomas

Franklin, Peter

Jillette, Arthur Jr

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 11, 2005 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

- SB 112-FN**, establishing a committee to study viatical settlements.
- SB 48-FN**, prohibiting unlawful peering into the dwelling place of another.
- SB 106-FN**, making unauthorized recording in a motion picture theater a crime.
- SB 156-FN**, relative to criminal trespass.
- SB 55**, relative to the New Hampshire film and television commission and state promotional initiatives.
- SB 41**, relative to penalties for certain OHRV violations.
- SB 98-FN**, relative to issuing duplicate registrations for off highway recreational vehicles.
- SB 88**, relative to emergency medical transportation.
- SB 171**, establishing a committee to study HIV/AIDS service delivery.
- SB 216**, establishing a commission to study area agencies.
- SCR 4**, supporting federal funding for Lyme disease research.
- SB 37**, relative to disclosure of expert testimony.
- SB 59**, relative to the general powers and duties of guardianship.
- SB 60**, clarifying probate court procedures in cases involving the Uniform Transfers to Minors Act.
- SB 224**, relative to the committee on judicial conduct.
- SB 126**, establishing a committee to study the appeals process in cases between landlords and tenants.
- SB 203**, relative to leases and contracts for buildings or lands owned by the fish and game department.
- SB 227**, naming a certain bridge in the town of Enfield the Henry P. Brown, M.D. Bridge, renaming the White Mountain Attraction Building as the Dick Hamilton Building, and renaming the Twin Mountain Bridge as the Kenneth B. Jordan Memorial Bridge.
- SB 5**, establishing a commission to study the state park system.
- SB 142**, extending the reporting date of the commission to study issues relative to groundwater withdrawals.
- SB 226**, relative to the regulation of snowmobiles and off highway recreational vehicles.
- SB 49-FN**, including multiple sclerosis in the catastrophic illness program.
- SB 182-FN**, relative to electronic issuance of warrants.

UNANIMOUS CONSENT

Rep. David Smith addressed the House.

Rep. Stone moved that the remarks of Rep. David Smith be printed in the Permanent Journal. Without objection, the Speaker so ordered.

REMARKS

Rep. David Smith: Thank you, Mr. Speaker. Mr. Speaker, on Saturday, April 16th, Sergeant Angelo Lozada, Jr. was killed in Iraq. A front page news story in the *Union Leader* says today that he was killed by an incoming rocket round. We can at least take a certain amount of solace knowing that his death was quick, instantaneous and he did not suffer. On Tuesday, April 26th he was buried in the New Hampshire Veterans' Cemetery in Boscawen. He was buried with full military honors and among the honors that would have been given to his mother were the Army Commendation medal, the Bronze Star and the Purple Heart. Among those people who hold the Purple Heart the saying is, "Some gave all, all gave some." Mr. Speaker, Sergeant Lozada gave all and in giving his all, he has left behind his mother and three children who live in Nashua. I would like to feel that they are being comforted at this time by friends, relatives, and this body. I would like to have you ask this body at this time, Mr. Speaker, to stand in a moment for a few quiet seconds and recognize the service of Sergeant Lozada and the sacrifice he made for his country. Thank you, my friends. Thank you, Mr. Speaker.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 2:30 p.m.

RECESS

(Speaker Scamman in the Chair)**COMMITTEE ASSIGNMENTS**

Rep. Howard C. Dickinson off Committee on Resources, Recreation and Development, on Committee on Fish and Game.

Rep. Peter B. Schmidt off Committee on Municipal and County Government, on Committee on Environment and Agriculture.

RECESS**(Rep. Batula in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 38, 71, 144, 147, 265, 499, 521, 532 and 546.

Rep. Currier, Sen. D'Allesandro for the Committee

SENATE MESSAGES**CONCURRENCE**

HB 138-FN, requiring medical examiners to inventory and account for property taken from decedents.

HB 141-L, relative to the planning board's authority to limit building permits.

HB 210-FN, relative to the determination of absence and return of contributions of members of the retirement system.

HB 216-FN, relative to the authority of the New Hampshire retirement system to purchase supplies and services.

HB 247, extending the law regarding receivership of care facilities for a certain length of time.

HB 267, relative to requests for services other than counsel for indigent defendants.

HB 268-FN, increasing certain motor vehicle fees.

HB 304-FN-A, relative to federal highway grant anticipation bonds.

HB 348, relative to real and personal property conveyances made under powers of attorney.

HB 386, relative to agricultural best management practices.

HB 389, relative to the duties of the postsecondary education commission.

HB 411, relative to the North Conway water precinct.

HB 414, relative to regulation of municipal waste combustors.

HB 465-FN, authorizing the board of medicine to take non-disciplinary remedial action against physicians.

HB 480, relative to innovative land use controls.

HB 483, relative to instructions to be placed on the general election ballot.

NONCONCURRENCE

HB 33, relative to the study of state retainage practices.

HB 55-FN-A, relative to industrial hemp and establishing an industrial hemp special program fund.

HB 90, relative to private driving instruction and exhibition facilities.

HB 128-FN, relative to negligent operation of a carnival or amusement ride.

HB 431-FN-L, relative to competing articles and official ballot voting.

HB 595-FN, establishing the position of state meat inspector.

RECESS**(Deputy Speaker Weyler in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 401 and Senate Bills numbered 112, 126, and 171.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS**(Speaker Scamman in the Chair)**

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 15

Wednesday, May 11, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend We Chang, Associate Pastor of the Wesley United Methodist Church in Concord.

O God, the Giver of life and the Creator of all human kind, we give You thanks for the beauty of this day and the gift of life that You give to us each day. We praise You for our nation, especially for our state, for the riches it has for us and the gifts it showers on us. We especially give You thanks for Your peoples in our state, the hard works that they put each day, the gift of diversity, the different languages and faces and cultural and individual heritages that they bring to us. And for their love for their country and their neighbors and citizens of our state.

Today we pray for those who are called to be leaders in our state. Give them the gift of vision to seek Your justice in the issues of their times, the gift of wisdom to discern the good will for all people, not just for some, the gift of integrity in their words and actions and the gift of courage to stand for what is right in Your sight, not what is popular among people. Bless their hearts with Your compassion that they may see and feel the sufferings of Your people in every corner of our communities. Let their good will and faithful service be Your hands that lift up the weak, protect the poor and free the oppressed. And help them to be the voice for the voiceless, the strength for the powerless and the hope for the hopeless. Keep them and their families in Your care and help them not to lose their higher calling that their politics and policies may be transformed into the genuine service for all people in Your state. Bless the opening of this session and let all the doings, and dealings and discussions and decisions be made in the spirit of cooperation and toward the welfare of all people. Amen.

Reps. Peter F. Bergin and Irene M. Messier led the Pledge of Allegiance.

The National Anthem was sung by Alysia Willey, a Gorham High School senior and New Hampshire Jazz and Classical All-State vocalist.

LEAVES OF ABSENCE

Reps. Albert, Alger, Peter Cote, Lessard, Palangas, Palazzo, Schulze and Solomon, the day, illness. Reps. Abbott, Ahlgren, Janet Allen, Gene Andersen, Baines, Larry Brown, Buhlman, Chaplin, Richard Cooney, Donahue, Dumaine, Gorman, Grassie, Hebert, Hess, Hollinger, Introne, Manning, Matarazzo, Philbrick, Scanlon, Serlin, Paul Smith, Twombly and Wallner, the day, important business. Reps. Espieffs, Irish, Knox and Kobel, the day, illness in the family.

INTRODUCTION OF GUESTS

Jeffrey and Lisa Willey parents of the day's singer, guests of the House. Fifth grade students from the Bow Memorial School REACH Program, guests of the Bow delegation. Sharon and Patricia Hall, guests of Rep. Carolyn Brown. Chichester Central School Student Council members and advisors, Terry Yeaton and Karen Olsen, guests of the Pembroke and Chichester delegations. Cindy Read, Breda Miles, Willie, Connie and Eoin Gannon of Galway, Ireland, guests of Rep. Hager.

INTRODUCTION OF SPECIAL GUEST

Laurie Stephens, a junior at University of New Hampshire, who is a member of the United States Disabled Alpine Ski Team. She is currently the overall World Cup Sit-Ski Champion, as well as holding World Cup titles in Giant Slalom, Super G and Slalom and is preparing for the 2006 Paralympic Winter Games in Italy. Thomas Carr, UNH Northeast Passage Program Coordinator, accompanied her. Laurie addressed the House and was presented a declaration by the Speaker.

INTRODUCTION OF SPECIAL GUESTS

Raymond High School Band and Chorus members recently participated in the 2005 Myrtle Beach Heritage Festival where the Spirit Award was received for their school representation, the Silver

Award won by the Band, and the Gold Award presented to the Chorus. Members in the gallery and graduating seniors Heather Weghorst, Alicia Priebe, Matthew Priebe, Vinnie DiTommaso, Ryleigh Simms, James Shipley, Dave Denyou, Meghan Boucher, Ory Felch and Dianne Hanson, and Music Director, Randy LaCasse were presented a declaration by the Speaker.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 229, extending the committee to study the establishment of a farm viability program. (Amendment printed SJ 4/14/05)

Rep. Babson moved that the House concur and spoke in favor.

Adopted.

HB 447-FN, relative to black bear license and tag fees. (Amendment printed SJ 4/28/05)

Rep. Robert L'Heureux moved that the House concur and spoke in favor.

Adopted.

HB 697-FN, establishing a commission to study medicaid reimbursement rates for pharmacy providers. (Amendment printed SJ 5/05/05)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

HB 513, relative to on-board diagnostic system inspections. (Amendments printed SJ 05/05/05)

Rep. Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Packard, Nedeau, Ferland and O'Neil.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 68, relative to certain costs for the development of a high school in the town of Bedford, removed by Rep. Graham.

SB 219-FN, relative to examinations under workers' compensation, removed by Rep. Infantine.

SB 222-FN, relative to cumulative trauma under workers' compensation, removed by Rep. Infantine.

Consent Calendar adopted.

SB 21, relative to voluntary mediated agreements in adoptions. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: This bill establishes criteria for the adoption and enforcement of voluntary mediated agreements between birth parents, adoptive parents, and DCYF, in adoptions involving a child who is in the custody or guardianship of the department. The amendment clarifies the intent and purpose of this exception to adoption procedures. The department must state its reasons in writing if it is unwilling to participate in mediation. Vote 15-0.

Amendment (1343h)

Amend the introductory paragraph of RSA 170-B:14, II and RSA 170-B:14, II(a) as inserted by section 2 of the bill by replacing them with the following:

II. In adoptions involving a child who is under either the legal custody or guardianship of the department, a voluntarily mediated agreement shall be enforceable as provided in this paragraph. The purpose of this paragraph is to facilitate the timely achievement of permanency for children who are in the custody or guardianship of the department by providing an option for the parties to enter into a voluntarily mediated agreement for ongoing communication or contact that is in the best interests of the child, that recognizes the parties' interests and desires for ongoing communication or contact, that is appropriate given the role of the parties in the child's life, and that is legally enforceable by the courts.

(a) Prior to the entry of any adoption decree, the department, prospective adoptive parents, and birth parents may voluntarily participate in a court-approved mediation program in order to reach a voluntarily mediated agreement. If the department is the only party unwilling to participate in mediation, the department shall provide a written explanation of its position to the court, the birth parents,

and the prospective adoptive parents. Venue for approval and enforcement of such agreement shall lie in a court of competent jurisdiction that would otherwise issue the termination decree under RSA 170-C. Any breach, modification, or invalidation of the agreement, or any part of it, shall not affect the validity of any surrender of parental rights or the interlocutory or final decree of adoption.

SB 86, permitting on-site samples and retail sales by liquor manufacturer licensees. OUGHT TO PASS

Rep. Jane S. Langley for Commerce: This bill will permit on-site samples and retail sales by New Hampshire micro distilleries as New Hampshire law currently allows for beer and wine. It would permit the micro distilleries to allow tasting and sales on-site, limited to ½ ounce samples, and also limit sales to twelve 9 liter cases of liquor to any one customer in a calendar year. The bill has the support of the NH Liquor Commission, promotes tourism, keeps a rural agricultural scene for the fruits (apple and potatoes) needed to produce the liquor. The licensees will be required to report the sales to the commission and pay a tax on the sales. Vote 17-1.

Referred to the Committee on Ways and Means.

SB 12, relative to contracts with non-profit public academies. INEXPEDIENT TO LEGISLATE

Rep. Emma L. Rous for Education: This bill addressed a particular funding situation in Bedford and was rendered moot when Bedford passed a bond to build a new high school. Vote 12-1.

SB 40, permitting special school district meetings to be held in conjunction with the biennial election in certain school districts. OUGHT TO PASS

Rep. Stephen H. L'Heureux for Education: This enabling legislation allows a special meeting of a school district to be held in conjunction with a biennial election. It includes language for this exception to current law only when approved by the court and when a school district has adopted the official ballot referendum form of meeting pursuant to RSA 40:14. Vote 15-0.

SB 45-L, relative to the Hanover school district tax stabilization fund. OUGHT TO PASS

Rep. W. Packy Campbell for Education: The committee felt this bill was a housekeeping measure and wanted to support the good people of Hanover in their responsible tax stabilization efforts. Vote 15-0.

SB 141-L, authorizing the establishment of certain reserve funds by the Gorham, Randolph, and Shelburne school districts. OUGHT TO PASS

Rep. Nancy F. Stiles for Education: All testimony heard by the committee supported SB 141-L which enables the individual districts within the newly formed cooperative to establish and fund reserve accounts for this previously directed purpose. Vote 14-0.

SB 52, establishing the state suggestion and extraordinary service award program. OUGHT TO PASS WITH AMENDMENT

Rep. Ken Hawkins for Executive Departments and Administration: The committee felt that there needed to be a program in state statute that would authorize funds for employee suggestions that save the state money. Current statute has the monies coming from each agency budget and no guidelines on how to approve awards. Testimony was given that one agency saved over \$1.5 million because of a suggestion and the employee got a \$100 award. This bill establishes a committee and the criteria for making an award. It also establishes that the \$10,000 will be included as part of the governor's budget and will not come from the agencies' budget. Vote 10-4.

Amendment (1270h)

Amend RSA 99-E:7 as inserted by section 1 of the bill by replacing it with the following:

99-E:7 Amount of Monetary Awards.

I. The amount of any monetary award recommended by a committee in regard to any one suggestion or service shall not be greater than \$5,000.

II. If an award evaluation committee determines, in its discretion, that an appropriate measure of award would be the amount of any savings or increase in revenue realized by the state as the result of a service performed by an employee, or as the result of a suggestion which has been implemented, the amount of a monetary award recommended by the committee may not exceed 10 percent of the amount of the savings or increase in revenue to the state during the first fiscal year of the implementation of the suggestion, or the fiscal year in which the service was performed, nor may it exceed the amount of \$5,000.

III. If a monetary award is issued by the governor and council based upon the amount of savings or increase under paragraph II, an amount equal to the monetary award may, in the discretion of the governor and council, be paid from the budget of the specific department or the departments believed to have received the benefit of the suggestion or service during the first fiscal year of implementation of a suggestion, or during the fiscal year in which the service was performed. Any remaining savings or increases resulting from the suggestion or service shall lapse to the general fund. If the unit from which the award is paid is self-funding, the award shall be paid from the unit's operating budget. The commissioner of a department from which an award is to be paid under this paragraph, shall certify any amounts so appropriated to the director of personnel for transfer and payment to the employee.

IV. If a suggestion which has previously been submitted or nominated for award is again submitted or nominated under RSA 99-E:4, X as the result of larger-scale implementation, the amount of any additional monetary award recommended shall be in such amount as the committee, in its discretion, believes is proper, but shall not, in any event, exceed \$5,000.

V. The total amount of monetary awards recommended by the state suggestion and extraordinary service award evaluation committee between October 1 of one year and September 30 of the following year shall not exceed \$10,000.

VI. There is hereby established in the office of the governor a special fund in the amount of \$10,000, which shall be used for employee suggestion and extraordinary service awards, if any. If the entire appropriation is not used for employee suggestion and extraordinary service awards in any fiscal year, the amount appropriated for the fund in the next fiscal year shall be only such amount as is necessary to bring the total amount of the fund to \$10,000.

VII. This chapter shall not be construed to limit the availability of any employee award or recognition not arising pursuant to this chapter

VIII. The governor, with the consent of council, is hereby authorized to draw a warrant for monetary awards under this chapter out of any money contained in the fund established under paragraph VI. The governor and council shall not approve expenditures from the fund in excess of \$10,000 in any fiscal year, shall not issue any single award in excess of the amount indicated in paragraph I, or, in case of additional awards under paragraph IV, shall not issue any award in excess of the amount set forth in paragraph IV. In issuing awards or recognition, the governor and council shall not be limited by any recommendation of the state suggestion and extraordinary service award evaluation committee. The decision of whether to issue a monetary award for suggestions and services under this chapter, and the amount thereof, if any, shall, with the foregoing limitations, be solely within the discretion of the governor and council.

IX. Award evaluation committees recommending monetary awards may consider, but shall not be required to make recommendations according to, the following suggested ranges of award for the following types of suggestions or services:

(a) For suggestions to improve government cost savings, \$500 to \$2,500, or a percentage of the amount of savings as specified under paragraph II.

(b) For suggestions to improve government efficiency, \$250 to \$1,500, or a percentage of the amount of savings or revenue increase as specified under paragraph II.

(c) For suggestions to increase revenue to the state by a means other than the establishment of a new, or an increase in an existing, tax, \$250 to \$1,500 or a percentage of the amount of increase as specified under subparagraph II.

(d) For services outside of or beyond the scope of an employee's regular job responsibilities or functions involving circumstances where only immediate action by the employee could avoid or avert probable harm to an individual, to property, or to the financial interests of the state, \$500 to \$2,500, or a percentage of the amount of increase or savings as specified under subparagraph II above.

(e) For services within the scope of an employee's regular job responsibilities or functions involving the demonstration of abilities or efforts greatly above and beyond any standard of performance expected of the employee, \$250 to \$1,500 or a percentage of the amount of increase or savings as specified under subparagraph II above.

SB 65, ratifying changes to the state building code adopted by the state building code review board. OUGHT TO PASS

Rep. Maurice L. Pilotte for Executive Departments and Administration: The committee agrees with this bill which ratifies the changes or updates to the codes included in the state building code adopted by the State Building Review Board during 2003 and 2004 in Administrative Rules BCR300. The testimony received unanimously supported this bill. Vote 14-0.

SB 167, relative to extension of guardianship. **OUGHT TO PASS**

Rep. Bette R. Lasky for Judiciary: This bill was introduced as a result of a Probate Court audit to amend the timeframe for the Probate Court to act on an extension of guardianship petition. According to testimony, these extensions are a rare occurrence, but SB 167 gives those who may object to such an extension additional time to do so. Vote 18-0.

SB 168, relative to administration of estates. **OUGHT TO PASS WITH AMENDMENT**

Rep. James E. Wheeler for Judiciary: This bill makes simpler the process for administering small estates. Currently if someone petitions for administration of a small estate and later discovers another asset, he or she must file a new petition and if the new asset raises the value of the estate over the \$10,000 threshold for small estates, the petitioner must drop the small estate administration and petition for regular administration. This bill eliminates the separate track for small estates but incorporates the benefits of small estate administration, such as not requiring newspaper notice or a bond for those small estates, into full estate administration. The amendment reduces the amount under which newspaper notice is required from \$25,000 in the original bill to \$10,000 in the current law. Vote 18-0.

Amendment (1227h)

Amend RSA 553:16 as inserted by section 2 of the bill by replacing it with the following:

553:16 Publication of Notice of Appointment. Upon appointment of an administrator ~~or executor~~, the register of probate shall, within 15 days of such appointment, cause notice thereof to be published in accordance with the provisions of RSA 550:10. Notwithstanding the foregoing, no publication of notice shall be required ~~[in the administration of small estates under RSA 553:34]~~ *when the estate has a gross value of \$10,000 or less.*

SB 169, relative to access to confidential court records. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: This bill allows the Supreme Court to grant access to confidential court records to any person conducting a "bona fide research or evaluation project." The Supreme Court requested this bill and testified that Health and Human Services has a similar statute. The committee was very concerned about the lack of guidelines for who may be conducting the research project. There were no limits to how many or which cases may be looked at. The only rights for individuals to have their names redacted would be if the researcher wants to use their names in the final report. Because of privacy concerns, the committee voted unanimously inexpedient to legislate. Vote 16-0.

SB 58-FN, making certain changes in the workers' compensation law. **OUGHT TO PASS**

Rep. Sharon M. Carson for Labor, Industrial and Rehabilitative Services: This bill makes four basic changes to existing workers' compensation law. It changes the amount insurance carriers and self-insurers pay to the special fund for second injuries, clarifies when a decision of the commissioner or the compensation appeals board becomes final, allows the commissioner to suspend a board member who fails to render a decision in a timely manner as required by statute, and lastly, requires First Reports of Injury to be filed electronically unless it causes a carrier or self-insured employer undue hardship. The committee was unanimous in its decision to support these changes. Vote 15-0.

SB 117-FN, relative to utility property tax appeals. **OUGHT TO PASS**

Rep. Harry S. Gale for Municipal and County Government: Currently appeals of valuations and assessments of the utilities tax have been directed to the Board of Tax and Land Appeals (BTLA) or to the Superior Court. Under this bill, initial appeals will be made to the Department of Revenue Administration (DRA) where there is more technical expertise and understanding of assessing procedures. The insertion of an appeal to DRA prior to going to BTLA or Superior Court could reduce the number of such appeals to the Superior Court. It could also reduce the number of issues within appeals. This bill proposes that appeals occur pursuant to the procedure in RSA 21-J, which provides for a petition to DRA for reconsideration, hearing and decision prior to appealing to either the BTLA or Superior Court. It is assumed that this bill will result in approximately half of the appeals being resolved at the DRA level. This bill has widespread support among all the parties involved and strong bipartisan committee support. Vote 10-2.

SB 189, authorizing the use of interest rate swap agreements and other similar agreements by the cities of Manchester and Nashua. **OUGHT TO PASS**

Rep. Robert L. Theberge for Municipal and County Government: This bill authorizes the cities of Manchester and Nashua to enter into certain agreements for managing interest rates, investments, and

other payments for bonded indebtedness. The purpose of a swap is to refinance a city's debt, thereby obtaining a better interest rate and as a consequence saving the municipality millions of dollars. The city of Manchester, with the authorization of the legislature, entered into a swap agreement during the early 1990's for the Manchester Airport, which resulted in a savings of \$6.0 million for the taxpayers. A swap agreement as proposed in this bill will not affect the State of New Hampshire's bonding rate. Both the U.S. Government Accounting Board (GASB) and the National and Municipal Analyst have a derivative task force/working group overseeing the best practices for directive financial updating and disclosure law. Currently 43 or 50 states have utilized swap agreements to refinance their indebtedness. Some municipalities have taken advantage of the efficient pricing of "swaps" to convert fixed rate bonds into variable rate debt. Express statutory authority to establish an interest rate swap agreement, such as set forth in SB 189, is preferable as it establishes legal certainty and avoids extensive research and analyses necessary to determine whether the authority to enter into an agreement exists. In summary, this legislation, as presented, would provide the cities of Manchester and Nashua with additional methods and increased flexibility in the future when addressing specific risk management situations. With careful planning and policies in place, the cities of Manchester and Nashua may use interest rate swaps to successfully modernize their respective bond indentures, regain financial flexibility and better match their respective debts to finance assets. Vote 12-0.

SB 120, relative to the purchase of rail properties. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: Currently all rail properties that are offered for sale to the state are in writing to the commissioner. This bill amends that practice requiring the commissioner to promptly notify the Governor and Council when an offer has been accepted. The Governor will schedule the offer for consideration by the Council within 90 days of the date on the notice. Vote 11-0.

SB 138-L, relative to motor vehicle liability for municipal workers. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: This bill adds municipal workers to current liability law for permanent, call and volunteer fire fighters and police officers. The law exempts a worker from having his or her insurance rates raised if involved in an accident when operating a municipal vehicle. Vote 12-0.

SB 208-FN, relative to certification of driver education instructors. **OUGHT TO PASS**

Rep. Robert W. Williams for Transportation: In New Hampshire all driving instructors have the same training. This bill allows persons who are not certified secondary school teachers to teach driver education in school programs. There are two kinds of driver education training schools: privately owned and operated driver education schools and publicly operated driving schools. The only difference is that in the secondary school setting the instructors are required to be certified as secondary school teachers. The proposed change in RSA 186:11 is that the driver education instructors in the secondary school setting shall not be required to be certified as secondary school teachers. Vote 13-0.

SB 62-FN, allowing court fees to be paid by credit card. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Ways and Means: This bill allows court fees and fines paid into any court to be paid by credit card. The committee amended the bill by removing a proposed \$5 processing fee for each credit card payment. The majority believed that the benefits of credit card payments would more than offset the additional revenues which the processing fee might engender. Vote 22-0.

Amendment (1325h)

Amend RSA 490:26-a as inserted by section 2 of the bill by replacing it with the following:

490:26-a Court Fees *and Fines; Credit Card Payments*. The supreme court shall establish by rule an equitable fee schedule for all courts in the state ~~[by January 1, 1982]~~. *All court fees and all fines paid into any court may be paid by credit card in lieu of cash payment.*

AMENDED ANALYSIS

This bill allows court fees and fines paid into any court to be paid by credit card.

SB 87, relative to extension of tax liens by the department of revenue administration. **OUGHT TO PASS**

Rep. Sharon M. Carson for Ways and Means: This bill is at the request of the Department of Revenue Administration. It permits the department to extend an existing lien by an additional six years in order to collect all monies due if the amount owed is not satisfied by the end of the existing lien. The committee felt this was a reasonable request. Vote 21-0.

SB 202, relative to property taxable as utility property. **OUGHT TO PASS**

Rep. Susan W. Almy for Ways and Means: When a property converts to utility status (such as a generating plant that comes out of PILOT status or starts up), it is taxed by the state Utility Property Tax at \$6.60 and, for the first two years, by the state Education Property Tax, because the latter's formula refers to two-year-old assessment data. The residents of the town end up paying for the double taxation. This bill eliminates the utility's value from the town assessment for Education Property Tax purposes after it is taxable by the Utility Property Tax, wherever this problem makes a significant difference to the taxpayers. Vote 22-0.

SB 212, relative to the railroad tax. **OUGHT TO PASS**

Rep. Sharon M. Carson for Ways and Means: This bill was requested by the Department of Revenue Administration and simply puts into statute an existing practice. It allows the Commissioner of Revenue Administration to appraise property held by the railroads and their corporations, establishes a tax collection process, and creates an appeal procedure. Vote 21-0.

REGULAR CALENDAR**SB 38-FN**, relative to school building aid for certain receiving districts. **OUGHT TO PASS**

Rep. Mark S. Carter for Education: This bill allows receiving districts providing education to pupils from sending districts to receive annual school building aid under certain conditions. Certain "tuition agreements" are not covered by the multi-district school building aid statute. This bill rectifies this inequity, and was carefully amended in the Senate in cooperation with the Department of Education to address issues that arose with the original bill text. Vote 14-1.

Committee report adopted.

Referred to the Committee on Finance.

SB 90-FN-A-L, relative to kindergarten construction aid. **OUGHT TO PASS**

Rep. Emma L. Rous for Education: This bill continues the opportunity for towns to implement kindergarten programs by extending the kindergarten construction program and authority to bond for one year to June 30, 2006. Vote 15-0.

Committee report adopted.

Referred to the Committee on Finance.

SB 61, relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for the Majority of Judiciary: This bill, as amended, clarifies the procedure by which full-time judges give notice of their intention to retire. It also authorizes and establishes the rules by which retired full-time judges under the age of 70 may continue to serve on an as-needed basis, as senior active judges, and by which those over the age of 70 may continue to serve, on an as-needed basis, as judicial referees. Vote 16-2.

Rep. Robert H. Rowe for the Minority of Judiciary: New Hampshire has an asset in its full-time judges who retire between the age of 60 to 70 years. Under the former retirement system the retirement pay was substantial and they were expected to sit temporarily as requested. The new judicial retirement is a contributory plan and results in a smaller income. With this bill as passed, the judges under the new retirement system will not be compensated on a per diem basis if they sit. As such, there will not be an incentive for these judges to sit. We will lose a trained cadre of professional judges. For the sake of a per diem income, there would be an incentive for them to sit as requested and a court backlog reduced. The minority amendment will allow full time retired judges to be compensated for their time.

Majority Amendment (1223h)

Amend the bill by replacing section 1 with the following:

1 Tenure of Judges; Optional Retirement. RSA 493:3 is repealed and reenacted to read as follows:

493:3 Optional Retirement. Any supreme or superior court judge, full-time district court judge, or full-time probate court judge who is eligible to retire pursuant to the provisions of RSA 100-C may retire. The judge shall give not less than 30 days' notice nor more than 90 days' notice of the judge's intention to retire to the chief justice of the supreme court or the administrative judge of the judge's

court and to the governor and council and the board of trustees of the judicial retirement plan under RSA 100-C. If a chief justice wishes to retire, the chief justice shall give not less than 30 days' notice nor more than 90 days' notice of the chief justice's intention to retire to the senior associate justice of the chief justice's court and to the governor and council and the board of trustees of the judicial retirement plan under RSA 100-C. If an administrative judge wishes to retire, the administrative judge shall give not less than 30 days' notice nor more than 90 days' notice of the administrative judge's intention to retire to the chief justice of the supreme court and to the governor and council and the board of trustees of the judicial retirement plan under RSA 100-C. Retirement shall be effective upon acceptance by the governor and council. The vacancy created by the retirement of a judge shall be filled according to law.

Amend the bill by replacing sections 4 and 5 with the following:

4 New Section; Judicial Referees; Assignment. Amend RSA 493-A by inserting after section 1 the following new section:

493-A:1-a Judicial Referees.

I. Any full-time justice of the supreme, superior, district, or probate court who is mandatorily retired from either regular active service or senior active service upon reaching age 70, and any part-time district or probate court justice who is mandatorily retired upon reaching age 70, shall thereafter be eligible to serve as a judicial referee on the court from which he or she retired or on any other court in which his or her service as a referee is authorized by law.

II. A judicial referee may be assigned to take testimony, receive and review evidence, and make recommendations for findings of fact and conclusions of law in any court specified in paragraph I by the chief justice of the supreme court or superior court, from which the referee retired, or the administrative justice of any other court from which the referee retired. All recommendations of judicial referees shall be approved by a justice in regular active service or senior active service of the court to which the referee is assigned. A judicial referee shall not preside over jury trials and shall not enter final orders in any case.

III. Nothing in this section shall prevent a retired justice of the supreme, superior, district, or probate courts from sitting as a temporary justice of the supreme court when selected to do so pursuant to the procedures specified in RSA 490:3.

IV. A retired part-time district or probate court justice appointed as a referee under this section shall be allowed his or her expenses and a per diem compensation determined by the supreme court upon recommendation by the judicial branch administrative council, established pursuant to supreme court rule.

5 Repeal. The following are repealed:

I. RSA 491:23, relative to appointment of former judges as referees, auditors and masters.

II. RSA 502-A:6-b, relative to retired justices of the district court.

III. RSA 547:19-c, relative to retired justices of the probate court.

Rep. Rowe spoke against the majority amendment and yielded to questions.

Rep. Soltani spoke in favor and yielded to questions.

On a division vote, 288 members having voted in the affirmative and 50 in the negative, the majority amendment was adopted.

Committee report adopted.

Rep. Coughlin declared a conflict of interest and did not participate.

Ordered to third reading.

SB 63-FN-A, establishing a court mediation fund to pay the costs of a mediation program in the district courts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Peter S. Espiefs for the Majority of Judiciary: This bill authorizes the establishment of a voluntary mediation program for small claims filed in the district courts and funding to pay the costs of mediation. Small claims are the lowest level of civil case jurisdiction in the district courts. They include claims that do not exceed \$5000 and the title to real estate is not involved. In recent years, there has been a great increase in small claims cases. Over 18,000 were filed in 2004. This has created a tremendous strain on the courts' judicial and administrative time and resources and threatens the court's ability to properly handle its heavy dockets of criminal, civil, traffic, and juvenile matters. The mediation program is needed to relieve the growing pressure on the district court trial docket. It will give the litigants who opt for mediation an expeditious, less technical and less stressful solution of their dispute while reserving their right to a trial if not satisfied. It

should be noted that a mediated resolution submitted to the court becomes a court order and is legally enforceable. The program will be funded through an increase of \$5 to the small claim filing fee (now \$55) collected by the court. The resulting fund will be a dedicated fund out of which mediators will be paid a flat fee of \$60 per case, regardless of the time involved. Mediation, funded by a filing fee increase, has been used by the NH probate court system for several years and has worked well in reducing the overload in its jurisdiction. Mediation has proven to be a most effective and expeditious alternative in many states. The need for it in the district court system is clear, the funding cost is minimal to the users, and the ultimate savings to the district court system will be substantial. Vote 12-6.

Rep. Tony F. Soltani for the Minority of Judiciary: The minority agrees that mediation is an effective and speedy method of resolving disputes. However, this bill unnecessarily imposes a mandatory \$5 fee on those who can least afford it. The mediation program has been successfully operated at superior court through the use of volunteer attorneys who pay to attend the mediation training. Cases involving large sums of money are currently mediated at superior court without charge to the litigants because the mediators volunteer their time. It makes no sense to impose a fee and hire paid mediators for small claims; while a volunteer system is working well for large cases. This is simply an unjustifiable and regressive tax which would enrich only a few who refuse to volunteer. Rep. Soltani spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Dokmo spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 206 NAYS 144

YEAS 206

BELKNAP

Clark, Charles
Pilliod, James

Flanders, Donald
Rosen, Ralph

Heald, Bruce
Russell, David

Morrison, Gail
Tilton, Franklin

CARROLL

Dickinson, Howard

Martin, James

McConkey, Mark

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Dexter, Judson
Hunt, John
Plifka, Stanley Jr
Robertson, Timothy

Butcher, Suzanne
Dunn, J Timothy
Mitchell, Bonnie
Pratt, John
Sawyer, Sheldon

Butynski, William
Eaton, Daniel
Parkhurst, Henry
Richardson, Barbara
Tilton, Anna

Chase, William
Foote, Sheila
Pelkey, Stephen
Roberts, Kris
Weed, Charles

COOS

Buzzell, Bernard
Merrick, Scott

King, Frederick
Stohl, Eric

Lary, Bruce
Theberge, Robert

Mears, Edgar

GRAFTON

Almy, Susan
Dorsett, Andrew
Harding, A Laurie
Nordgren, Sharon

Benn, Bernard
Eaton, Stephanie
McLeod, Martha
Sokol, Hilda

Bleyler, Ruth
Gionet, Edmond
Mulholland, Catherine
Williams, Burton

Cooney, Mary
Hammond, Lee
Naro, Debra

HILLSBOROUGH

Baroody, Benjamin
Brundige, Robert
Chase, Claudia
Daniuk, Caitlin
Egbers, Fran
Garrity, Patrick

Barry, J Gail
Campbell, David
Clayton, William
Desmarais, Vivian
Essex, David
Ginsburg, Ruth

Beaulieu, Jane
Carlson, Donald
Cote, David
DeVries, Betsi
Foster, Linda
Goley, Jeffrey

Bergin, Peter
Chabot, Robert
Craig, James
Dokmo, Cynthia
Gargas, Carolyn
Graham, John

Haley, Robert
Irwin, Anne-Marie
Lasky, Bette
Messier, Irene
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Francis

Hall, Betty
Jean, Claudette
Lawrence, James
Michon, Stephen
Pappas, Christopher
Ross, Lawrence
Shaw, Kimberly
Sullivan, Peter

Harvey, Suzanne
Johnson, Paula
Lefebvre, Roland
Mooney, Maureen
Pilotte, Maurice
Rowe, Robert
Smith, David
Wheeler, Robert

Holden, Randolph
L'Heureux, Robert
Martin, Mary Ellen
Movsesian, Lori
Rochette, Eric
Ryder, Donald
Stepanek, Stephen

MERRIMACK

Blanchard, Elizabeth
Danforth, James
French, Barbara
Hamm, Christine
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
DeJoie, John
Gile, Mary
Kidder, David
Owen, Derek
Ryan, Jim
Walz, Mary Beth

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Whiting, Herbert

Clarke, Claire
Foose, Robert
Hager, Elizabeth
MacKay, James
Reardon, Tara
Tilton, Joy
Williams, Robert

ROCKINGHAM

Asselin, Michael
Cali-Pitts, Jacqueline
Dowd, John
Ingram, Russell
Mason, April
Parker, Benjamin
Sanders, Elisabeth
Waterhouse, Kevin

Belanger, Ronald
Casey, Kimberley
Doyle, Christopher
Johnson, Robert
Moody, Marcia
Powers, James
Scamman, Stella
Weldy, Norman

Blanchard, MaryAnn
Coburn, James
Flockhart, Eileen
Langley, Jane
Norelli, Terie
Priestley, Anne
Splaine, James
Wells, Roger

Buxton, Donald
DiFruscia, Anthony
Gould, Kenneth
Major, Norman
Pantelakos, Laura
Rausch, James
Stone, Joseph
Zolla, William

STRAFFORD

Berube, Roger
Callaghan, Frank
Goodwin, Earle
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

Bickford, David
Cilley, Jacalyn
Heon, Richard
Keans, Sandra
Rous, Emma
Spang, Judith

Brown, Jennifer
Creteau, Irene
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Julie
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Gale, Harry
Phinizy, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Jillette, Arthur Jr

NAYS 144

BELKNAP

Boyce, Laurie
Thomas, John
Whalley, Michael

Fitzgerald, James
Tobin, William

Millham, Alida
Veazey, John

Nedeau, Stephen
Wendelboe, Fran

CARROLL

Babson, David Jr
Patten, Betsey

Brown, Carolyn
Stevens, Stanley

Chandler, Gene

Merrow, Harry

CHESHIRE

Emerson, Susan

Hogancamp, Deborah

COOS

Morneau, Renney

Remick, William

Richardson, Herbert

Toll, John Jr

GRAFTON

Barker, Robert	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Sorg, Gregory		

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Calawa, Leon Jr	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Clemons, Jane
Coughlin, Pamela	Crane, Elenore Casey	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Francoeur, Bea	Golding, William
Gonzalez, Carlos	Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Hunter, Bruce	Infantini, William	Jasper, Shawn	Kurk, Neal
Manney, Pamela	McRae, Karen	Mead, Robert	O'Brien, William
Ober, Lynne	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Slocum, Lee	Souza, Kathleen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

Anderson, Eric	Currier, David	Field, William	Kennedy, Richard
Klose, John	L'Heureux, Stephen	Langlais, Thomas	Marple, Richard
Maxfield, Roy	Oliver, James	Reed, Dennis	Soltani, Tony

ROCKINGHAM

Allen, Mary	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Dalrymple, Janeen	Dodge, Robert	Dowling, Patricia
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gillick, Thomas	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Rolston, James	Stiles, Nancy	Weare, E Albert	Welch, David
Weyler, Kenneth	Wiley, Robert	Winchell, George	

STRAFFORD

Cataldo, Sam	Domingo, Baldwin	Easson, Timothy	Newton, Clifford
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SULLIVAN

Rodeschin, Beverly
and the majority committee report adopted.
Referred to the Committee on Ways and Means.

(Deputy Speaker Weyler in the Chair)

SB 75-FN, relative to the statute of limitations for a civil actions based upon a sexual assault case.
OUGHT TO PASS WITH AMENDMENT

Rep. Maureen C. Mooney for Judiciary: This bill extends the statute of limitations for civil actions involving sexual assault on minors. Many victims suffer extensive psychological, mental, physical and emotional anguish that is not always apparent or discoverable until years after the alleged incident occurs. After careful consideration, the majority of the committee felt this bill incorporates into law a reasonable filing extension in order to justly compensate victims and deter child predators. Vote 12-6.

Amendment (1248h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Limitation of Actions; Sexual Assault and Related Offenses. Amend RSA 508 by inserting after section 4-f the following new section:

508:4-g Actions Based on Sexual Assault and Related Offenses. A person, alleging to have been subjected to any offense under RSA 632-A or an offense under RSA 639:2, who was under 18 years of age when the alleged offense occurred, may commence a personal action based on the incident within the later of:

I. Ten years of the person's eighteenth birthday; or

II. Three years of the time the plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act or omission complained of.

2 Effective Date. This act shall take effect July 1, 2005.

Amendment adopted.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 319 NAYS 30

YEAS 319

BELKNAP

Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran

CARROLL

Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth
Patten, Betsey			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Dorsett, Andrew	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
Ingretson, Paul	Maybeck, Margie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Campbell, David	Carew, James
Carlson, Donald	Carter, Mark	Chabot, Robert	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Clayton, William
Clemons, Jane	Cote, David	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Egbers, Fran
Elliot, Nancy	Emerton, Larry	Essex, David	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gonzalez, Carlos	Graham, John	Haley, Robert

Hall, Betty
Hinkle, Peyton
Infantine, William
Johnson, Paula
Lawrence, James
McRae, Karen
Movesian, Lori
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly
Stepanek, Stephen
Ulery, Jordan

Hansen, Ryan
Hirschmann, Keith
Irwin, Anne-Marie
Kurk, Neal
Lefebvre, Roland
Messier, Irene
O'Connell, Timothy
Price, Pamela
Ross, Lawrence
Slocum, Lee
Sullivan, Francis
Velez, Hector

Harvey, Suzanne
Holden, Randolph
Jasper, Shawn
L'Heureux, Robert
Manney, Pamela
Michon, Stephen
Ober, Lynne
Reeves, Sandra
Ryder, Donald
Smith, David
Sullivan, Peter
Villeneuve, Maurice

Hellwig, Steve
Hunter, Bruce
Jean, Claudette
Lasky, Bette
Martin, Mary Ellen
Mooney, Maureen
Pappas, Christopher
Rochette, Eric
Shaw, Barbara
Souza, Kathleen
Tahir, Saghir
Wheeler, Robert

MERRIMACK

Anderson, Eric
Clarke, Claire
DeStefano, Stephen
Greco, Vincent
Klose, John
Maxfield, Roy
Potter, Frances
Ryan, Jim
Walz, Mary Beth

Blanchard, Elizabeth
Currier, David
Field, William
Hager, Elizabeth
L'Heureux, Stephen
Oliver, James
Reardon, Tara
Shurtleff, Stephen
Whiting, Herbert

Bouchard, Candace
Danforth, James
Foose, Robert
Hamm, Christine
Langlais, Thomas
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Williams, Robert

Brueggemann, Donald
DeJoie, John
Gile, Mary
Kennedy, Richard
Lockwood, Priscilla
Owen, Derek
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Buxton, Donald
Carson, Sharon
Dalrymple, Janeen
Dowling, Patricia
Flockhart, Eileen
Gillick, Thomas
Hughes, Daniel
Johnson, Rogers
Lund, Howie
McMahon, Charles
Norelli, Terie
Pantelakos, Laura
Putnam, Ed II
Robertson, Carl
Scamman, W Douglas
Welch, David
Winchell, George

Asselin, Michael
Bishop, Franklin
Cady, Harriet
Casey, Kimberley
DiFruscia, Anthony
Doyle, Christopher
Forsing, Robert
Gould, Kenneth
Hutchinson, Karen
Katsakiores, George
Major, Norman
Moody, Marcia
Nowe, Ronald
Parker, Benjamin
Quandt, Marshall Lee
Rolston, James
Splaine, James
Weldy, Norman
Zolla, William

Belanger, Ronald
Blanchard, MaryAnn
Cali-Pitts, Jacqueline
Charron, Gene
Dodge, Robert
Fesh, Bob
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
Mason, April
Moore, Benjamin
O'Neil, Michael
Powers, James
Quandt, Matthew
Sanders, Elisabeth
Stiles, Nancy
Wells, Roger

Bettencourt, David
Bridle, Russell
Camm, Kevin
Coburn, James
Dowd, John
Flanders, John Sr
Garrity, James
Headd, James
Johnson, Robert
Langley, Jane
McKinney, Betsy
Morris, Richard
Packard, Sherman
Priestley, Anne
Rausch, James
Scamman, Stella
Stone, Joseph
Wiley, Robert

STRAFFORD

Berube, Roger
Cataldo, Sam
Dunlap, Patricia
Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Taylor, Katherine

Brown, Jennifer
Cilley, Jacalyn
Easson, Timothy
Johnson, Nancy
Newton, Clifford
Smith, Marjorie
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Goodwin, Earle
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

Callaghan, Frank
Domingo, Baldwin
Heon, Richard
Keans, Sandra
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Gale, Harry
Phinzy, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Jillette, Arthur Jr
Rodeschin, Beverly

NAYS 30
BELKNAP

None

CARROLL

Martin, James

Stevens, Stanley

CHESHIRE

Pelkey, Stephen

Sawyer, Sheldon

COOS

None

GRAFTON

Barker, Robert

Gionet, Edmond

Giuda, Robert

Mirski, Paul

HILLSBOROUGH

Golding, William

Goyette, Peter Jr

Hagan, Barbara

Hawkins, Ken

Mead, Robert

O'Brien, William

Pepino, Leo

Renzullo, Andrew

Rowe, Robert

Vaillancourt, Steve

Wheeler, James

MERRIMACK

Kidder, David

Mackay, James

Marple, Richard

Soltani, Tony

ROCKINGHAM

Gilbert, Karl

Hopfgarten, Paul

Itse, Daniel

Waterhouse, Kevin

Weare, E Albert

STRAFFORD

Bickford, David

Knowles, William

SULLIVAN

None

and the committee report was adopted.

Ordered to third reading.

SB 210-FN, relative to a declaratory judgment to adjudicate constitutional nexus. INEXPEDIENT TO LEGISLATE

Rep. Gregory M. Sorg for Judiciary: This bill would add to the statutes a short new chapter, which would confer jurisdiction upon the superior courts to make declaratory judgments on the issue of whether a plaintiff New Hampshire business's contacts with another state were insufficient to justify that state's taxing authorities requiring it to collect and remit sales and use taxes on that state's behalf. The committee majority concluded that the superior courts already have such jurisdiction under their general declaratory judgment authority of RSA 491:22 and that the effect of enacting this bill would be to mislead New Hampshire businesses into believing that they were no longer subject to, and therefore did not have to respond to, suits brought in another state seeking either to enforce collection or to obtain similar declaratory relief, should its taxing authorities "win the race to the courthouse" and file suit in their home state first. No statute passed by the State of New Hampshire can deprive another state of its own jurisdiction over this subject. Moreover, the judicial branch indicated that specifying this authority in a separate statute would invite additional proceedings on this subject at considerable cost in court time, while the Department of Revenue Administration stated that it would invite retaliatory statutes in other states at considerable eventual cost in reduced tax revenues from out-of-state businesses. Vote 12-6.
Committee report adopted.

SB 113-FN, relative to the use of federal funds for technology improvements within the department of employment security. OUGHT TO PASS

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The computer system used by the Department of Employment Security is in serious need of upgrade and replacement. This bill allows the department to use funds provided by the federal government through the REED Act funds. Vote 9-6.

Committee report adopted.

Referred to the Committee on Finance.

SB 172, establishing a committee to study a medical fee schedule for workers' compensation. **OUGHT TO PASS**

Rep. Anthony R. DiFruscia for Labor, Industrial and Rehabilitative Services: The bill is simply a feasibility study concerning a medical fee schedule for workers' compensation cases. Presently, all New England states, except New Hampshire, and forty-one other states have a medical fee schedule. Vote 8-7.

Rep. Holden moved recommit and spoke in favor.

Recommitted to the Committee on Labor, Industrial and Rehabilitative Services.

Rep. Greco declared a conflict of interest and did not participate.

SB 164-FN, relative to the disposal of real property purchased with highway or turnpike funds. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James B. Rausch for the Majority of Public Works and Highways: This bill requires the Department of Transportation to contract with licensed real estate professionals to sell excess surplus commercial and industrial real estate owned by the department. All requests for disposal of surplus commercial and industrial property owned by the Department of Transportation must be reviewed and approved by the Long Range Capital Planning and Utilization Committee prior to submission to the Governor and Council for approval. This bill further requires the proceeds from the sale of the properties to be deposited into either the highway or turnpike fund, depending on which fund was used to originally purchase the property. The legislation additionally makes the state comply with Article 6-a of the NH Constitution by eliminating the approval by the Council on Resources and Development (CORD) for disposal of property that was purchased with state or federal highway funds. Article 6-a states "No part of such revenues shall by transfer of funds, or otherwise, be diverted to any other purpose whatsoever." The CORD process has previously allowed for such diversion of property in violation of Article 6-a resulting in diminishing the funds available for highway and turnpike maintenance and construction. The CORD process is unchanged for all other state owned property, only the property purchased with highway, or turnpike funds is affected. Other agencies, counties, cities or towns have right of first refusal for the property, but must reimburse the highway or turnpike funds for the property value. The House has already passed HB 540 which was identical to SB 164 except it dealt with the disposal of residential property. This legislation, as well as HB 540, is a result of recommendations of the bipartisan committee established in Chapter 262:3, Laws of 2004 charged with reviewing funding of the state's transportation plan. Vote 11-5.

Rep. Bernard L. Benn for the Minority of Public Works and Highways: The minority agrees that non-essential surplus land bought with highway funds must and should be sold at fair market value and the proceeds returned to the Highway Trust Fund. However, the minority has concern about removing the Council on Resources and Economic Development (CORD) from the review process. In the bill, the review and approval is left solely to the Long Range Capital Planning and Utilization Committee prior to its submittal to Governor and Council. Limiting oversight in this way could result in a diminished range of input that might have important environmental or economic consequences to the state and/or communities. No compelling reason was brought forth to remove CORD from the process, although the minority understands that the CORD process may need some improvements to make it more efficient. In addition, some members feel that to save significant money for the Highway Trust Fund, the state should establish a professional real estate office to dispose of these properties rather than contracting with private real estate brokers. One former commercial broker dubbed SB 164 the "Real Estate Broker's Full Employment Act."

Majority committee report adopted.

Ordered to third reading.

SB 145-FN, establishing a medical/vision advisory board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jennifer M. Brown for Transportation: This bill establishes a medical/vision advisory board to advise the Director of the Division of Motor Vehicles of the Department of Safety. We felt that instead of having the Division of Motor Vehicles make decisions alone on medical issues, they will have advice from the medical community which will consist of an advisory board made up of two licensed physicians and one licensed optometrist. This bill will sunset in two years. Vote 9-4.

Amendment (1346h)

Amend the bill by replacing all after section 1 with the following:

2 Repeal. RSA 263:6-b, relative to the medical/vision advisory board, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2007.

II. The remainder of this act shall take effect 60 days after its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 18, relative to sales of tickets for pure lotteries by those not employed by the lottery commission. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin E. Parker for Ways and Means: This bill eliminates the restriction on lottery ticket sales by non-employees. Currently, licensed agents of the lottery can offer lottery tickets for sale from licensed locations and lottery employees can offer tickets at unlicensed locations. The Lottery Commission estimated the annual net profit for allowing non-lottery employees to sell lottery tickets at unlicensed locations at \$75,000 before any overhead expense allocation or supervision costs. The majority of the committee believes that extending the right to sell lottery tickets by non-lottery employees to unlicensed locations was not justified by the additional net profit it would generate and would not be an appropriate extension of the retail sale of lottery tickets. Vote 12-8. Committee report adopted.

SB 20-FN, relative to an increase in lottery ticket prices. **OUGHT TO PASS**

Rep. Benjamin E. Parker for Ways and Means: This bill allows the Lottery Commission to sell tickets at a price not to exceed \$20. Estimated net profits from an offer of a \$20 ticket are: \$2,125,200 in FY 06 and \$2,721,600 in FY 07. These estimates include the effect on sales of existing tickets. The majority of the committee believes that this request for a higher lottery ticket price is an appropriate incremental increase which will enhance the lottery as a revenue source for the state. Vote 12-9.

Reps. Vaillancourt and Pratt spoke against and yielded to questions.

Rep. Parker spoke in favor.

Rep. Camm spoke in favor and yielded to questions.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 196 NAYS 154**YEAS 196****BELKNAP**

Fitzgerald, James
Pilliod, James
Tobin, William

Flanders, Donald
Rosen, Ralph
Veazey, John

Heald, Bruce
Russell, David
Wendelboe, Fran

Nedeau, Stephen
Thomas, John

CARROLL

Brown, Carolyn
Morrow, Harry

Buco, Thomas

Dickinson, Howard

McConkey, Mark

CHESHIRE

Butcher, Suzanne
Emerson, Susan

Butynski, William
Hogancamp, Deborah

Dexter, Judson
Hunt, John

Eaton, Daniel

COOS

Buzzell, Bernard
Remick, William

King, Frederick
Richardson, Herbert

Lary, Bruce
Theberge, Robert

Mears, Edgar
Tholl, John Jr

GRAFTON

Barker, Robert
Gionet, Edmond
Nordgren, Sharon

Bleyler, Ruth
Ham, Bonnie
Williams, Burton

Dorsett, Andrew
McLeod, Martha

Eaton, Stephanie
Mulholland, Catherine

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Calawa, Leon Jr	Campbell, David	Carew, James	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Clayton, William	Clemons, Jane	Cote, David	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Dyer, Donald	Emerton, Larry	Essex, David
Foster, Linda	Gargaszy, Carolyn	Garrity, Patrick	Ginsburg, Ruth
Graham, John	Hall, Betty	Hawkins, Ken	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lawrence, James	Manney, Pamela
Messier, Irene	Michon, Stephen	Pappas, Christopher	Reeves, Sandra
Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy	Shaw, Barbara
Shaw, Kimberly	Smith, David	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Velez, Hector	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Currier, David	DeJoie, John
DeStefano, Stephen	Foose, Robert	Gile, Mary	Hager, Elizabeth
Kennedy, Richard	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Oliver, James	Osborne, Jessie	Reed, Dennis
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Whiting, Herbert
Williams, Robert			

ROCKINGHAM

Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Blanchard, MaryAnn	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Coburn, James	DiFruscia, Anthony	Dodge, Robert
Dowd, John	Doyle, Christopher	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Gillick, Thomas	Griffin, Mary	Headd, James
Hughes, Daniel	Hutchinson, Karen	Ingram, Russell	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Moore, Benjamin	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Parker, Benjamin	Priestley, Anne	Putnam, Ed II	Rausch, James
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Scamman, W Douglas
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Winchell, George
Zolla, William			

STRAFFORD

Beube, Roger	Brown, Jennifer	Brown, Julie	Callaghan, Frank
Cataldo, Sam	Cilley, Jacalyn	Domingo, Baldwin	Goodwin, Earle
Heon, Richard	Hofemann, Roland	Kaen, Naida	Keans, Sandra
Knowles, William	Newton, Clifford	Rollo, Michael	Rous, Emma
Spang, Judith	Taylor, Katherine		

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Gale, Harry
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NAYS 154**BELKNAP**

Boyce, Laurie	Clark, Charles	Millham, Alida	Morrison, Gail
Tilton, Franklin	Whalley, Michael		

CARROLL

Babson, David Jr	Chandler, Gene	Martin, James	Olimpio, J Lisbeth
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Allen, Peter
Mitchell, Bonnie
Pratt, John
Sawyer, Sheldon

Chase, William
Parkhurst, Henry
Richardson, Barbara
Tilton, Anna

Dunn, J Timothy
Pelkey, Stephen
Roberts, Kris
Weed, Charles

Foote, Sheila
Plifka, Stanley Jr
Robertson, Timothy

COOS

Merrick, Scott

Morneau, Renney

Stohl, Eric

GRAFTON

Almy, Susan
Hammond, Lee
Mirski, Paul

Benn, Bernard
Harding, A Laurie
Naro, Debra

Cooney, Mary
Ingbreton, Paul
Sokol, Hilda

Giuda, Robert
Maybeck, Margie
Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Brassard, Paul
Drisko, Richard
Gibson, John
Goyette, Peter Jr
Harvey, Suzanne
Hunter, Bruce
Martin, Mary Ellen
Movsesian, Lori
Pepino, Leo
Rowe, Robert
Sullivan, Peter
Wheeler, James

Adams, Jarvis IV
Brundige, Robert
Egbers, Fran
Golding, William
Hagan, Barbara
Hellwig, Steve
Infantine, William
McRae, Karen
O'Brien, William
Pilotte, Maurice
Ryder, Donald
Ulery, Jordan

Balboni, Michael
Chase, Claudia
Elliott, Nancy
Goley, Jeffrey
Haley, Robert
Hinkle, Peyton
Jasper, Shawn
Mead, Robert
O'Connell, Timothy
Price, Pamela
Slocum, Lee
Vaillancourt, Steve

Barry, J Gail
Coughlin, Pamela
Francoeur, Bea
Gonzalez, Carlos
Hansen, Ryan
Hirschmann, Keith
Lefebvre, Roland
Mooney, Maureen
Ober, Lynne
Ross, Lawrence
Sullivan, Francis
Villeneuve, Maurice

MERRIMACK

Blanchard, Elizabeth
Field, William
Kidder, David
Reardon, Tara
Walz, Mary Beth

Brueggemann, Donald
French, Barbara
Marple, Richard
Rush, Deanna
Yeaton, Charles

Clarke, Claire
Greco, Vincent
Owen, Derek
Soltani, Tony

Danforth, James
Hamm, Christine
Potter, Frances
Tupper, Frank

ROCKINGHAM

Allen, Mary
Casey, Kimberley
Flockhart, Eileen
Gould, Kenneth
Lund, Howie
Powers, James
Splaine, James

Bishop, Franklin
Charron, Gene
Francoeur, Sheila
Hopfgarten, Paul
Morris, Richard
Quandt, Marshall Lee
Wiley, Robert

Buxton, Donald
Dalrymple, Janeen
Garrity, James
Itse, Daniel
Norelli, Terie
Quandt, Matthew

Cali-Pitts, Jacqueline
Dowling, Patricia
Gilbert, Karl
Johnson, Rogers
Pantelakos, Laura
Robertson, Carl

STRAFFORD

Bickford, David
Johnson, Nancy
Snyder, Clair

Creteau, Irene
Miller, Joseph
Taylor, Kathleen

Dunlap, Patricia
Schmidt, Peter
Wall, Janet

Easson, Timothy
Smith, Marjorie

SULLIVAN

Donovan, Thomas
Osgood, Philip Sr

Franklin, Peter
Phinizy, James

Houde-Quimby, Charlotte
Prichard, Stephen

Jillette, Arthur Jr
Rodeschin, Beverly

and the committee report was adopted.
Ordered to third reading.

BILLS REMOVED FROM CONSENT CALENDAR

SB 68, relative to certain costs for the development of a high school in the town of Bedford.
INEXPEDIENT TO LEGISLATE

Rep. Kimberly S. Casey for Education: The passage of the high school bond in Bedford makes this legislation unnecessary. Vote 13-0.

Committee report adopted.

SB 219-FN, relative to examinations under workers' compensation. **OUGHT TO PASS**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This bill requires employees receiving medical benefits to submit to a medical examination if requested to do so by the employer or Commissioner of Labor. Current law only requires such an examination if the employee is receiving weekly compensation payments. This bill also declares that if medical bills for workers' compensation cases are in dispute, the employee must submit to an examination if requested to do so by the employer. If the employee does not comply, his or her right to a hearing shall be suspended until an examination has taken place. Vote 15-0.

Committee report adopted and ordered to third reading.

SB 222-FN, relative to cumulative trauma under workers' compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard Ken Donahue for Labor, Industrial and Rehabilitative Services: This is a housekeeping bill that clears up the date of injury by establishing the date of injury to be the date of first medical treatment. The bill and amendment were supported by the Department of Labor and unanimously supported by the committee. Vote 15-0.

Amendment (1115h)

Amend the bill by replacing section 1 with the following:

1 Workers' Compensation; Cumulative Trauma. Amend RSA 281-A:16 to read as follows:

281-A:16 Determining Date of Injury for Occupational Disease *and Cumulative Trauma*. For the purpose of determining the date of injury for an occupational disease, the date of injury shall be taken to be the last date of injurious exposure to the hazards of such disease or the date on which the employee first knew or reasonably should have known of the condition and its relationship to the employee's employment, whichever is the later. *For an injury caused by cumulative trauma, the date of injury shall be the date of first medical treatment. For an injury or condition aggravated by cumulative trauma, the date of injury shall be the date of first medical treatment for the aggravation.*

AMENDED ANALYSIS

This bill establishes the date of injury for cumulative trauma to be the date of first medical treatment for the purposes of workers' compensation. The bill also establishes a date of injury for injuries or conditions aggravated by cumulative trauma.

Rep. Infantine spoke in favor.

Amendment adopted.

Committee report adopted and ordered to third reading.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 25, 2005 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

SB 21, relative to voluntary mediated agreements in adoptions.

SB 40, permitting special school district meetings to be held in conjunction with the biennial election in certain school districts.

SB 45-L, relative to the Hanover school district tax stabilization fund.

SB 141-L, authorizing the establishment of certain reserve funds by the Gorham, Randolph, and Shelburne school districts.

SB 52, establishing the state suggestion and extraordinary service award program.

SB 65, ratifying changes to the state building code adopted by the state building code review board.

SB 167, relative to extension of guardianship.

SB 168, relative to administration of estates.

SB 58-FN, making certain changes in the workers' compensation law.

SB 117-FN, relative to utility property tax appeals.

SB 189, authorizing the use of interest rate swap agreements and other similar agreements by the cities of Manchester and Nashua.

SB 120, relative to the purchase of rail properties.

SB 138-L, relative to motor vehicle liability for municipal workers.

SB 208-FN, relative to certification of driver education instructors.

SB 62-FN, allowing court fees to be paid by credit card.

SB 87, relative to extension of tax liens by the department of revenue administration.

SB 202, relative to property taxable as utility property.

SB 212, relative to the railroad tax.

SB 61, relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees.

SB 75-FN, relative to the statute of limitations for a civil actions based upon a sexual assault case.

SB 164-FN, relative to the disposal of real property purchased with highway or turnpike funds.

SB 145-FN, establishing a medical/vision advisory board.

SB 20-FN, relative to an increase in lottery ticket prices.

SB 219-FN, relative to examinations under workers' compensation.

SB 222-FN, relative to cumulative trauma under workers' compensation.

UNANIMOUS CONSENT

Reps. Wendelboe and Morris addressed the House.

Rep. Giuda moved that the remarks of Rep. Wendelboe be printed in the Permanent Journal.

Without objection, the Chair so ordered.

REMARKS

Rep. Wendelboe: Thank you, Mr. Speaker. This past week we commemorated the 60th anniversary of Victory in Europe Day. In just a few weeks I'm sure one of our members will speak to remember D-Day. I'm sure many of you remember Alf Jacobson joining us again this year to honor those who served on Iwo Jima. However, recently there was a very bittersweet anniversary that affected the war of my generation and I think it would be somewhat remiss not to make mention of that milestone. This is the third time I've made this address, once every five years, and I will continue to do so as long as I am here.

The anniversary I refer to happened 30 years ago in the fall of Saigon. Even today I can vividly remember watching the news coverage and seeing that last helicopter lift off from the American embassy. And in light of this milestone, I think we should recognize the service and sacrifice of the men and women who did serve in Southeast Asia. In 1975, after the fall of Saigon, there was no joyous victory celebration. There were no tickertape parades. There was no outpouring of national pride and celebration. The honor of one's service and sacrifice should never be diminished by the outcome or the political opinion about any war — past, present or future.

I ask this body to join me in reiterating that our Vietnam veterans are welcome home and that we appreciated the service and sacrifice that they gave, just as their fathers gave in the wars that came before that we often do talk about. I wanted to make sure that this one does not get forgotten. Thank you, Mr. Speaker.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 12:10 p.m.

RECESS

(Rep. Carter in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 138.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Speaker Scamman in the Chair)**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 86, 97, 138, 141, 210, 216, 247, 263, 267, 268, 280, 304, 386, 389, 480, 483 and 512, and Senate Bills numbered 41, 49, 55, 59, 60, 98 and 106.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS**(Rep. Price in the Chair)****SENATE MESSAGES****CONCURRENCE**

HB 60-FN-A, relative to reimbursement of legal fees of the commissioner of the department of administrative services and making an appropriation therefor.

HB 206, relative to alcohol education and abuse prevention and treatment programs.

HB 259, relative to medical assistance for home care for children with severe disabilities.

HB 311-L, enabling towns to establish revolving funds for certain purposes.

HB 408, relative to the sale of town-owned land.

NONCONCURRENCE

HB 202, directing the commissioner of the department of environmental services to review options for reducing diesel engine exhaust emissions.

HB 342, establishing a commission to study the barriers to the establishment of all-terrain vehicle trails on public and private lands.

HB 343, establishing a commission to study accessibility for New Hampshire citizens to the water bodies in the state.

HB 488, establishing a task force on mental health costs.

CONCURRENCE WITH AMENDMENTS

SB 57, establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties.

SB 227, naming a certain bridge in the town of Enfield the Henry P. Brown, M.D. Bridge, naming the White Mountains Attractions Building the Norman B. Fadden White Mountains Attractions Building, and naming a bridge in the town of Carroll the Kenneth B. Jordan Memorial Bridge.

RECESS**(Rep. Wendelboe in the Chair)****RESOLUTION**

Rep. Price offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Resolutions numbered 14 and 16 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE RESOLUTIONS**First, second reading and referral**

HR 14, supporting Taiwan's participation in the World Health Organization, and supporting the establishment of a Taiwan-United States free trade agreement. (Weyler, Rock 8: State-Federal Relations and Veterans Affairs)

HR 16, requesting that the New Hampshire congressional delegation support optional Social Security personal retirement accounts. (Lund, Rock 5; Slocum, Hills 6: State-Federal Relations and Veterans Affairs)

RECESS

(Rep. O'Neil in the Chair)**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 348, 414, and 697 and Senate Bills numbered 45, 65 and 182.

Rep. Currier, Sen. D'Allesandro for the Committee

SENATE MESSAGES**CONCURRENCE**

HB 43, relative to state employees appearing before the legislature.

HB 118, relative to bicycle helmet use by certain minors.

HB 174, relative to renewable energy transition service, extending a portion of the system benefits charge, and repealing laws relating to information provided to electric service consumers.

HB 244-FN, relative to statutory liens by the department of safety.

HB 275, defining farmers' market.

HB 315, relative to best available technology for air pollution control.

HB 346-L, relative to the procedure for withdrawal from a cooperative school district.

HB 362, relative to statutes to be posted at polling places.

HB 456-FN, relative to inhaling toxic vapors.

HB 568, establishing the greater Derry-Salem cooperative alliance for regional transportation.

HB 584, relative to evidence of admissions of liability in medical injury actions.

HB 623-FN, relative to licensing requirements in the insurance and financial services industries.

HB 687-FN, relative to free tuition at New Hampshire public institutions of higher education for children of veterans who die while on active duty or from a service-connected disability.

HB 710-FN, relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury.

NONCONCURRENCE

HB 151, requiring school districts to develop a school age nutrition and physical activity committee.

HB 240-FN, relative to psychotropic drugs and child protection.

HB 351, relative to the time for counting absentee ballots.

HB 363, relative to parking at polling places.

HB 594-FN, relative to retirement system classification for department of corrections correctional line personnel.

RE-REFERRED TO COMMITTEE

HB 153, relative to the collection of debts owed to the state.

HB 270, relative to procedures of the legislative ethics committee.

HB 365, relative to recount fees.

CONCURRENCE WITH AMENDMENTS

SB 156-FN, relative to criminal trespass.

SB 203, relative to leases and contracts for buildings or lands owned by the fish and game department.

SB 224, relative to the committee on judicial conduct.

ENROLLED BILL AMENDMENT

SB 226, relative to the regulation of snowmobiles and off highway recreational vehicles. (Amendment printed SJ 06/09/05)

Adopted.

RECESS**(Speaker Scamman in the Chair)**

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 16

Wednesday, May 25, 2005

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Father Michael Taylor, Pastor of Saint Joseph's Catholic Church in Epping.

Almighty God, we praise and worship You for You are God Almighty, Creator of Heaven and Earth, a God who watches over us and guides us. We thank You, Lord God, for the many gifts You have given us. We thank You for the power and authority to create laws that guide our community down the path of truth, justice and peace for all. We ask dear Lord, that You bless us, keep our minds and hearts open to Your voice and help us to do all that pleases You. We also ask that You help our members who cannot be with us today. Watch over them, heal them and protect them. With faith in You, Lord God, we ask You to be with us for Thine is the kingdom, the power and the glory for ever and ever. Amen.

Rep. Sheldon S. Sawyer led the Pledge of Allegiance.

The National Anthem was signed to musical accompaniment by Alyssa Aalto, Brittany Pond, Jamiee Cathcart, Mylah Chamberlin, Destiny Demond, Patrick Taylor, Arianna Johnstone, Victoria Vazquez, Jordan Lovely, Brady Caldwell, Michayla Anja, Rebecca Kendall, Amber Bolduc, Britany Shuster, and Shaylyn Mowery, members of the Woodland Heights Elementary School Signing Chorus directed by Coni Dwinal.

LEAVES OF ABSENCE

Reps. Alger, Peter Cote, Lessard, Manning, Naro, Palangas and Palazzo, the day, illness.

Reps. Nelson Allan, Gene Andersen, Buzzell, David Campbell, Mark Clark, Danforth, Dorsett, Heon, Hollinger, Kaen, Morris and Ober, the day, important business.

Rep. Moore, the day, illness in the family.

INTRODUCTION OF GUESTS

Joe Barton, guest of Rep. Claudia Chase. Cheryl Cataldo, wife of Rep. Cataldo. John Terry, nephew of Rep. James Martin. Ellamae Hess, mother of Rep. Hess. Theresa Rivard and Deborah Jones, sister and niece of Rep. LeFebvre. David Dalrymple and George Maihos, husband and guest of Rep. Dalrymple. Ann Barrett, guest of Rep. Babson. William Quimby and Laurie Levinger, husband and guest of Rep. Houde-Quimby. Joseph Gorman, brother of Rep. Mary Gorman. John Deu, Paul Iverson and Ian Ather, guests of Rep. Parkhurst. Principal Lisa Green-Barber, Chorus Assistants Betty Doody and Donna Gilbert from Woodland Heights Elementary School, guests of the House.

INTRODUCTION OF SPECIAL GUEST

Cadet Matthew Martel of Woodstock, NH, a high honor student at the United States Military Academy at West Point, who will attend Airborne School, train with an Army Ranger Unit and attend the US Naval Academy at Annapolis as a semester exchange student this fall. NH Military Academy Admissions Team member, Colonel Wayne Nicoll, retired, and Jemi Broussard accompanied him and were guests of the House.

COMMUNICATION

May 17, 2005

W. Douglas Scamman, Speaker of the House

Dear Mr. Speaker:

Due to a recent change in my employment status, I regret to inform you that I must resign my position as representative for Hillsborough County District 7 effective immediately.

Duties and responsibilities required by my new employment have made it difficult for me to adequately and effectively participate in the legislative process to the extent I had hoped for when first elected. It has been an honor and privilege to serve the citizens of New Hampshire. I hope to have the opportunity to serve again in the future as my professional life permits.

Sincerely, Stephen Baines, Hills 7

The Speaker accepted the resignation with regret.

RESOLUTION

Reps. O'Neil and Craig offered the following:

RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, House Joint Resolution numbered 3 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF HOUSE JOINT RESOLUTION 3

First and second reading

HJR 3, supporting the Portsmouth Naval Shipyard. (O'Neil, Rock 15; Craig, Hills 9)

A RESOLUTION supporting the Portsmouth Naval Shipyard.

WHEREAS, the Portsmouth Naval Shipyard is the cradle of American shipbuilding, where in 1690 the first naval warship in North America was built; and

WHEREAS, the Portsmouth Naval Shipyard is the oldest shipyard continuously operated by the United States government since its establishment in June 1800; and

WHEREAS, the Portsmouth Naval Shipyard has the most experienced personnel in submarine design, construction, modernization, and maintenance and is the top submarine overhaul performer, either public or private; and

WHEREAS, the Portsmouth Naval Shipyard is the lead shipyard for Los Angeles class submarine maintenance for the United States Navy, and holds the current cost and schedule performance records; and

WHEREAS, the Portsmouth Naval Shipyard consistently delivers early and under budget, and the specialized workforce is a national asset that would be difficult if not impossible to reconstitute; and

WHEREAS, the Portsmouth Naval Shipyard is one of only 2 nuclear certified public shipyards on the East Coast, making it an asset to the United States Navy and integral to national and homeland security; and

WHEREAS, closure of the Portsmouth Naval Shipyard is predicted to result in an estimated rise in unemployment in New Hampshire from 3.7 percent to 4.2 percent; and

WHEREAS, closure of the Portsmouth Naval Shipyard will have a devastating economic and fiscal effect on the local communities, the state of New Hampshire, and the region; now, therefore, be it

RESOLVED by the Senate and House of Representatives in General Court convened:

That the New Hampshire general court urges the Base Realignment And Closure Committee to reassess the recommendation and closure plans of the Portsmouth Naval Shipyard, and remove the Portsmouth Naval Shipyard from the base closure list.

That copies of this resolution be forwarded to the Base Realignment And Closure Committee and the New Hampshire congressional delegation.

SUSPENSION OF RULES

Reps. O'Neil and Craig move that the Rules be so far suspended as to permit consideration at the present time of **HJR 3**, supporting the Portsmouth Naval Shipyard.

Adopted by the necessary two-thirds.

CONSIDERATION OF HJR 3

HJR 3, supporting the Portsmouth Naval Shipyard.

Reps. O'Neil and Craig moved Ought to Pass.

Unanimously adopted and ordered to third reading.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 332, relative to harassment by telephone. (Amendment printed SJ 5/05/05)

Rep. Welch moved that the House concur.

Rep. Dowling spoke in favor.

Adopted.

HB 382, establishing a committee to develop a strategic capital plan for department of corrections' facilities. (Amendment printed SJ 4/28/05)

Rep. Welch moved that the House concur.

Rep. Dowling spoke in favor.

Adopted.

HB 440, relative to hearing ear dogs, guide dogs, and service dogs. (Amendments printed SJ 4/28/05)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

HB 195, establishing a committee to study the department of insurance. (Amendments printed SJ 5/05/05)

Rep. Bergin moved that the House concur and spoke in favor.

Adopted.

HB 199, relative to fish and game department expenditures for marine fisheries. (Amendment printed SJ 4/21/05)

Rep. Robert L'Heureux moved that the House concur and spoke in favor.

Adopted.

HB 353, relative to consent to haul lobster and crab gear of license holders. (Amendment printed SJ 4/14/05)

Rep. Robert L'Heureux moved that the House concur and spoke in favor.

Adopted.

HB 112, relative to psychiatric evaluations in competency hearings (Amendment printed SJ 4/28/05)

Rep. Dokmo moved that the House concur.

Rep. Mooney spoke in favor.

Adopted.

HB 672-FN, relative to notaries public, justices of the peace, and adopting the Uniform Law on Notarial Acts. (Amendment printed SJ 4/21/05)

Rep. Dokmo moved that the House concur.

Rep. Mooney spoke in favor.

Adopted.

HB 329, establishing the crime victim employment leave act. (Amendment printed SJ 5/19/05)

Rep. Bridle moved that the House concur and spoke in favor.

Adopted.

HB 230-L, relative to default budgets (Amendment printed SJ 5/12/05)

Rep. Patten moved that the House concur and spoke in favor.

Rep. Kurk spoke against.

On a division vote, 156 members having voted in the affirmative and 208 in the negative, the motion failed.

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Brundidge, Gillick, Dowd and Nancy Johnson.

HB 236, relative to the time for filing a motion to rehear a zoning decision. (Amendment printed SJ 5/05/05)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

HB 157, establishing a commission to study procurement methods for public works projects by state and local government agencies. (Amendment printed SJ 5/05/05)

Rep. Chandler moved that the House concur and spoke in favor.

Adopted.

HB 487-FN, establishing a volunteer lake assessment program in the department of environmental services. (Amendments printed SJ 5/05/05)

Rep. Currier moved that the House concur and spoke in favor.

Adopted.

HB 152-FN, establishing a commission to study the uses of biodiesel for home heating and vehicular transportation. (Amendment printed SJ 5/12/05)

Rep. Ross moved that the House concur and spoke in favor.

Adopted.

HB 286, prohibiting the operation of pocket bikes and motorized scooters upon ways. (Amendment printed SJ 5/19/05)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

HB 313-FN, relative to registration of business entities. (Amendment printed SJ 5/12/05)
Reps. Sheila Francoeur and Major moved that the House nonconcur and request a Committee of Conference.

Rep. Sheila Francoeur spoke in favor.

Adopted.

The Speaker appointed Reps. Sheila Francoeur, Charles Clark, Reardon and Jasper.

HB 580, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D. (Amendment printed SJ 5/05/05)

Rep. Babson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Babson, Phinzy, Hansen and Merrick.

HB 481, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651: 8-b, RSA 135-C, and RSA 171-B, and RSA 623:1. (Amendment printed SJ 4/28/05)

Rep. Bergin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Millham, Dalrymple, Houde-Quimby and Irwin.

HB 428, relative to clarifying the authority of the Pease development authority and the division of ports and harbors. (Amendment printed SJ 5/19/05)

Rep. Chandler moved that the House nonconcur and request a Committee of Conference.

Rep. Chandler spoke in favor.

Adopted.

The Speaker appointed Reps. Graham, Rausch, McConkey and Benn.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 93-FN, transferring the electricians' board to the department of safety, removed by Rep. Rodeschin.

SB 113-FN, relative to the use of federal funds for technology improvements within the department of employment security, removed by Rep. King.

SB 192, relative to service in a war or conflict qualifying for the veterans' tax credit, removed by Rep. Roberts.

SB 83, establishing a commission to study issues relative to the comprehensive shoreland protection act, removed by Rep. Carrier.

Consent Calendar adopted.

SB 66, establishing a committee to study the creation of a northern New England purchasing alliance for small business health insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Clark for Commerce: The committee recommends that the General Court establish a committee to study joint purchasing strategies for small business health insurance in the northern New England states. Vote 19-0.

Amendment (1330h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England.

Amend paragraph I of section 2 of the bill by replacing it with the following:

1. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house

Amend the bill by replacing section 3 with the following:

3 Duties. The committee's study shall include, but not be limited to:

I. Whether to collaborate with our border states to create a northern New England purchasing alliance for small business health insurance to offer a variety of plans which would offer meaningful competition, and choice down to the employee level.

II. A review of high carrier administrative costs, as part of total premium, as it compares to New England and national averages.

III. Examining any necessary regulatory or statutory requirements which may need to be waived in order to facilitate and expedite a pilot project of this nature.

IV. Investigating whether a collaboration is necessary with neighboring states to effect meaningful change relative to border issues.

V. Investigating whether a northern New England stop-loss plan would afford conjoining states an opportunity to negotiate stop-loss premium based on volume for the public purchasing sector.

VI. Investigating joint purchasing strategies among northern New England states to increase quality and to reduce costs.

AMENDED ANALYSIS

This bill establishes a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England.

SB 77, relative to the review of proposed health care provider contracts. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen B. Stepanek for Commerce: This bill was a good compromise on both sides. The insurance companies will be required to provide a health care provider in writing or in electronic format a complete copy of the proposed contract including all attachments and exhibits. The insurance company shall also make available to the contracting entity in writing or in electronic format the most current provider manual. In addition, the contracting entity may request that a health carrier disclose the fees applicable to specified procedure codes that pertain to the entity's practice or specialty, or a method or process that allows the contracting entity to determine the fees pursuant to the contract. There was agreement on both sides that this piece of legislation would resolve the major issues surrounding contract disclosures. Vote 19-0.

Amendment (1335h)

Amend RSA 420-J:8, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII.(a) No contract between a health carrier and a participating provider shall contain any payment or reimbursement provision the terms of which creates an inducement for the provider to not provide medically necessary care to covered persons. Nothing in this section shall be construed to prohibit the use of payment arrangements between a health carrier and a participating provider or provider group which involve capitation, withholds or other arrangements.

(b) Prior to the execution of a health care provider contract, a health carrier shall furnish to the contracting entity, in writing or in electronic format, a complete copy of the proposed contract including all attachments and exhibits. The health carrier shall also make available to the contracting entity, in writing or in electronic format, the most current provider manual.

(c) The contracting entity may request that a health carrier disclose the fees applicable to specified procedure codes that pertain to the entity's practice or specialty or a method or process that allows the contracting entity to determine the fees pursuant to the terms of the contract. Upon request by the contracting entity, the insurer shall furnish, in writing or in an electronic format, the requested procedure codes within 30 calendar days from receipt of the request.

(d) No provider contract shall allow for a material change in the applicable fee schedule unless notice of such change is given at least 60 days in advance of the effective date.

AMENDED ANALYSIS

This bill requires a health carrier to furnish a provider with a complete copy of a proposed health care provider contract. The bill also requires that a health carrier give a 60-day notice to a provider before there is a material change in the applicable fee schedule.

SB 78, relative to payment of health care providers by health carriers. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen B. Stepanek for Commerce: This bill modifies the health insurance industry's prompt payment law, RSA 415:6h. The committee, the insurance industry, NH Medical Association, the

NH Hospital Association, as well as many individual practitioners worked long and hard hammering out the amendment to the bill. All sides compromised and no group got everything it wanted. In the end all agreed we have a good, workable modification to the prompt payment law. Under the current RSA any late payments of claims by the insurance companies will be assessed a 1.5% per month interest cost. A problem arose because the health care provider had to submit in writing a request for the interest payment for each individual claim. This amendment defines clean claims, time limits in which insurance companies must pay these claims and automatic payment of the interest payment to the health care provider if the initial payments are not made within the outlined time schedules. Vote 19-0.

Amendment (1381h)

Amend the bill by replacing all after the enacting clause with the following:

1 Individual Insurance; Prompt Payment. Amend RSA 415:6-h to read as follows:
415:6-h Prompt Payment Required.

1.(a) Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses for its insured persons shall pay for services rendered by New Hampshire health care providers within ~~[45]~~ 30 calendar days upon receipt of a clean ~~[written]~~ non-electronic claim or 15 calendar days upon receipt of a clean electronic claim.

(b) ~~[H]~~ When the insurer is denying or pending the claim, the insurer shall have 15 calendar days upon receipt of ~~[the]~~ an electronic claim or 30 days upon receipt of a non-electronic claim to notify the health care provider or certificate holder of the reason for denying or pending the claim and what, if any, additional information is required to ~~[process]~~ adjudicate the claim. *Upon the insurer's receipt of the requested additional information, the insurer shall adjudicate the claim within 45 calendar days. If the required notice is not provided, the claim shall be treated as a clean claim and shall be adjudicated pursuant to subparagraph (a).*

(c) *Payment of a claim shall be considered to be made on the date a check was issued or electronically transferred. The insurer shall mail checks no later than 5 business days after the date a check was issued. Failure to mail a check within 5 business days shall constitute a violation subject to enforcement under RSA 415:20.*

(d) The insurer's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to an insurer on the insurer's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the insurer's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the insurer *and, if covered by the Health Insurance Portability and Accountability Act (HIPAA), is in such form and substance as to be in compliance with such act.*

III. Any initial clean claim submission not paid within the time periods specified in ~~[paragraph]~~ *subparagraph 1(a)* shall be deemed overdue. ~~[When a claim is overdue, the health care provider may notify the insurer in writing of the insurer's noncompliance with this section. If the insurer fails to pay the claim within 10 days of receiving the notice, then]~~ *In that case:*

(a) *The insurer shall pay the health care provider or the insured person the amount of the overdue claim [shall include] plus an interest payment of 1.5 percent per month beginning from the date the payment was due; and*

(b) *The health care provider may recover from the insurer, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim.*

IV. Exceptions to the requirements of this section are as follows:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The insurer is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The insurer's compliance is rendered impossible due to matters beyond the insurer's control which are not caused by such insurer.

(b) No insurer shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No insurer shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

V. The commissioner may assess an administrative fine against any insurer or may suspend or revoke the license or certificate of authority of any insurer after determining that the insurer has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000. *Nothing in this paragraph shall be construed to alter the commissioner's authority to investigate or take action, including, but not limited to, action pursuant to RSA 415:20, in response to individual instances of noncompliance.*

2 Group Insurance; Prompt Payment. Amend RSA 415:18-k to read as follows:

415:18-k Prompt Payment Required.

I.(a) Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses for its insured persons shall pay for services rendered by New Hampshire health care providers within ~~[45]~~ 30 calendar days upon receipt of a clean ~~[written]~~ *non-electronic* claim or 15 calendar days upon receipt of a clean electronic claim.

(b) ~~[If]~~ *When* the insurer is denying or pending the claim, the insurer shall have 15 calendar days upon receipt of ~~[the]~~ *an electronic claim or 30 days upon receipt of a non-electronic* claim to notify the health care provider or certificate holder of the reason for denying or pending the claim and what, if any, additional information is required to ~~[process]~~ *adjudicate* the claim. *Upon the insurer's receipt of the requested additional information, the insurer shall adjudicate the claim within 45 calendar days. If the required notice is not provided, the claim shall be treated as a clean claim and shall be adjudicated pursuant to subparagraph (a).*

(c) *Payment of a claim shall be considered to be made on the date a check was issued or electronically transferred. The insurer shall mail checks no later than 5 business days after the date a check was issued. Failure to mail a check within 5 business days shall constitute a violation subject to enforcement under RSA 415:20.*

(d) The insurer's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to an insurer on the insurer's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the insurer's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the insurer *and, if covered by the Health Insurance Portability and Accountability Act (HIPAA), is in such form and substance as to be in compliance with such act.*

III. Any *initial clean* claim submission not paid within the time periods specified in ~~[paragraph I]~~ *subparagraph I(a)* shall be deemed overdue. ~~[When a claim is overdue, the health care provider may notify the insurer in writing of the insurer's noncompliance with this section. If the insurer fails to pay the claim within 10 days of receiving the notice, then]~~ *In that case:*

(a) *The insurer shall pay the health care provider or the insured person the amount of the overdue claim [shall include] plus an interest payment of 1.5 percent per month beginning from the date the payment was due; and*

(b) The health care provider may recover from the insurer, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The insurer is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The insurer's compliance is rendered impossible due to matters beyond the insurer's control which are not caused by such insurer.

(b) No insurer shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No insurer shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

V. The commissioner may assess an administrative fine against any insurer or may suspend or revoke the license or certificate of authority of any insurer after determining that the insurer has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000. *Nothing in this paragraph shall be construed to alter the commissioner's authority to investigate or take action, including, but not limited to, action pursuant to RSA 415:20, in response to individual instances of noncompliance.*

3 Health Service Corporations; Prompt Payment. Amend RSA 420-A:17-d to read as follows: 420-A:17-d Prompt Payment Required.

I.(a) Every health service corporation, and every other similar corporation licensed under the laws of another state that issues or renews any policy of individual or group blanket accident or health insurance providing benefits for medical or hospital expenses for its insured persons shall pay for services rendered by New Hampshire health care providers within ~~[45]~~ 30 calendar days upon receipt of a clean ~~[written]~~ *non-electronic* claim or 15 calendar days upon receipt of a clean electronic claim.

(b) ~~[If]~~ *When* the health service corporation is denying or pending the claim, the corporation shall have 15 calendar days upon receipt of ~~[the] an electronic claim or 30 days upon receipt of a non-electronic~~ claim to notify the health care provider or subscriber of the reason for denying or pending the claim and what, if any, additional information is required to ~~[process]~~ *adjudicate* the claim. *Upon the health service corporation's receipt of the requested additional information, the health service corporation shall adjudicate the claim within 45 calendar days. If the required notice is not provided, the claim shall be treated as a clean claim and shall be adjudicated pursuant to subparagraph (a).*

(c) *Payment of a claim shall be considered to be made on the date a check was issued or electronically transferred. The health services corporation shall mail checks no later than 5 business days after the date a check was issued. Failure to mail a check within 5 business days shall constitute a violation subject to enforcement under RSA 415:20.*

(d) The corporation's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to a health service corporation on the corporation's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the corporation's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the corporation *and, if covered by the Health Insurance Portability and Accountability Act (HIPAA), is in such form and substance as to be in compliance with such act.*

III. Any *initial clean* claim submission not paid within the time periods specified in ~~[paragraph I]~~ *subparagraph I(a)* shall be deemed overdue. ~~[When a claim is overdue, the health care provider may notify the health service corporation in writing of the health service corporation's noncompliance with this section. If the health service corporation fails to pay the claim within 10 days of receiving the notice, then]~~ *In that case:*

(a) The *health service corporation shall pay the health care provider or the insured person* the amount of the overdue claim [~~shall include~~] *plus* an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the health service corporation, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an health service corporation for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No health service corporation shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The corporation is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The corporation's compliance is rendered impossible due to matters beyond the corporation's control which are not caused by such corporation.

(b) No health service corporation shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No health service corporation shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

V. The commissioner may assess an administrative fine against any health service corporation or may suspend or revoke the license or certificate of authority of any health service corporation after determining that the health service corporation has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000. *Nothing in this paragraph shall be construed to alter the commissioner's authority to investigate or take action, including, but not limited to, action pursuant to RSA 415:20, in response to individual instances of noncompliance.*

4 Managed Care; Prompt Payment. Amend RSA 420-J:8-a to read as follows:

420-J:8-a Prompt Payment Required.

I.(a) Health carriers issuing health benefit plans subject to this chapter shall pay claims submitted by health care providers for services rendered in New Hampshire to covered persons within ~~[45]~~ 30 calendar days upon receipt of a clean ~~[written]~~ *non-electronic* claim or 15 calendar days upon receipt of a clean electronic claim.

(b) ~~[H]~~ *When* the health carrier is denying or pending the claim, the carrier shall have 15 calendar days upon receipt of ~~[the]~~ *an electronic claim or 30 days upon receipt of a nonelectronic* claim to notify the health care provider or covered person of the reason for denying or pending the claim and what, if any, additional information is required to ~~[process]~~ *adjudicate* the claim. *Upon the health carrier's receipt of the requested additional information, the health carrier shall adjudicate the claim within 45 calendar days. If the required notice is not provided, the claim shall be treated as a clean claim and shall be adjudicated pursuant to subparagraph (a).*

(c) *Payment of a claim shall be considered to be made on the date a check was issued or electronically transferred. The health carrier shall mail checks no later than 5 business days after the date a check was issued. Failure to mail a check within 5 business days shall constitute a violation subject to enforcement under RSA 415:20.*

(d) The health carrier's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to a health carrier on the carrier's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the carrier's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the health carrier *and, if covered by the Health Insurance Portability and Accountability Act (HIPAA), is in such form and substance as to be in compliance with such act.*

III. Any *initial clean claim submission* not paid within the time periods specified in ~~[paragraph 1]~~ *subparagraph I(a)* shall be deemed overdue. ~~[When a claim is overdue, the health care provider may notify the health service corporation in writing of the health service corporation's noncompliance with this section. If the health service corporation fails to pay the claim within 10 days of receiving the notice, then]~~ *In that case:*

(a) The *health carrier shall pay the health care provider or the insured person the* amount of the overdue claim ~~[shall include]~~ *plus* an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the carrier, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against a carrier for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No health carrier shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The health carrier is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The carrier's compliance is rendered impossible due to matters beyond the carrier's control which are not caused by such carrier.

(b) No health carrier shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No health carrier shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review determination pursuant to RSA 420-J:5 or RSA 420-J:5-a-e.

V. The commissioner may assess an administrative fine against any health carrier or may suspend or revoke the license or certificate of authority of any health carrier after determining that the health carrier has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000. *Nothing in this paragraph shall be construed to alter the commissioner's authority to investigate or take action, including, but not limited to, action pursuant to RSA 415:20, in response to individual instances of noncompliance.*

5 Effective Date. This act shall take effect 90 days after its passage.

SB 123, relative to the liability of pet shops for the sale of sick animals. INEXPEDIENT TO LEGISLATE

Rep. Stella Scamman for Commerce: This bill allows the purchaser of an animal bought at a pet shop a period of 14 days to seek veterinary care if such animal becomes ill. The pet shop shall be liable for up to \$1000 in veterinary fees for each pet animal sold. The concern is that pet stores would have to reimburse the purchaser for expenses that could far exceed the cost of the animal and lead to bankruptcy of the small pet stores. Under the current process, the consumer can go back to the pet store and get full reimbursement for the pet. Vote 18-0.

SB 46, relative to the duties of law enforcement officials upon receiving reports of missing adults. OUGHT TO PASS WITH AMENDMENT

Rep. Gene P. Charron for Criminal Justice and Public Safety: The intent of this bill is to establish uniform procedures for law enforcement officials when receiving reports of missing adults. Most importantly, it provides a consistent approach throughout the state. It also provides for a minimum 72 hour time frame for agencies to report a missing person for entry into the National Crime Information Center known as NCIC. The 72 hours provides local law enforcement the time to investigate circumstances and justification for entry into NCIC. The bill does not preclude entering this information prior to 72 hours based on special circumstances. Vote 16-0.

Amendment (1438h)

Amend RSA 106-I:1, IV as inserted by section 3 of the bill by replacing all after subparagraph (b) with the following:

(c) The circumstances indicate that the person's disappearance may not have been voluntary; or

(d) The person is missing after a catastrophe.

Amend RSA 106-I:2 as inserted by section 3 of the bill by replacing it with the following:
106-I:2 Procedures.

I. Upon receiving notice of a missing adult, a law enforcement agency shall complete a missing person report by providing identifying and descriptive information about the missing adult within 72 hours to the National Crime Information Center (NCIC) for inclusion in the missing person file of its computerized database.

II. It shall be the duty of the initial investigating law enforcement agency to immediately notify the NCIC when the missing adult is located or returned.

III. The provisions of this chapter are not intended to remove the discretion of a law enforcement agency to notify the NCIC when an adult is missing under circumstances other than those specified in RSA 106-I:1, IV, when the law enforcement agency has reasonable concern for such adult's safety.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect 60 days after its passage.

SB 56, relative to penalties for eluding pursuit by a law enforcement officer. INEXPEDIENT TO LEGISLATE

Rep. John E. Tholl for Criminal Justice and Public Safety: The committee felt that the bill was confusing and almost impossible to enforce. Part of the bill raises the penalty for increasing speed to 25 MPH or more over a posted speed limit to elude pursuit to the existing class B felony for being involved in an accident causing serious bodily injury during a pursuit. A subcommittee attempted without success to construct an amendment that would have made the bill more workable. Many on the committee felt that in certain cases a felony charge would be appropriate, but SB 56 was not the answer. Vote 15-1.

SB 17, relative to the definition of educational institution for the purpose of higher education loans. OUGHT TO PASS

Rep. Deanna P. Rush for Education: This bill provides a language change that will result in consistency with the language contained in the charters of the other two New Hampshire Higher Education Assistance Foundation (NHHEAF) network organizations. Current language limits the New Hampshire Higher Education Loan Corporation (NHHELCO) from participating in expanded business opportunities for the NHHEAF network organizations because it cannot purchase loans from out-of-state entities who may wish to contract with the network. This bill allows NHHELCO to enter into purchase agreements with out-of-state lenders and to provide loans to New Hampshire students for postsecondary education institutions outside of New Hampshire and thereby increase NHHELCO's market position. This bill does not require any state financial commitments. Vote 12-0.

SB 91-FN, relative to an increase in the co-payment for participation in the animal population control program. OUGHT TO PASS

Rep. James G. Phinizy for Environment and Agriculture: The state animal population control program has been highly successful; however, due to increased costs, which the veterinarians have been absorbing, it is felt by the committee that an increase is in order. Accordingly, the two plans, which deal with adoptions from shelters and individuals who meet criteria, have been increased from \$30 to \$40 and \$15 to \$20 respectively. These increases are consistent with responsible animal ownership. Vote 15-2.

Referred to Ways and Means.

SB 187, relative to allowing alternative certified hazardous waste coordinator programs. OUGHT TO PASS WITH AMENDMENT

Rep. Suzanne S. Butcher for Environment and Agriculture: The hazardous waste coordinator program was established in 2003. This bill, supported by the Department of Environmental Services (DES), allows greater flexibility for DES and for businesses in implementing the program, while requiring that they continue to meet the same responsibilities. It allows alternative programs provided they demonstrate equivalent training, continuing education, and management organization to meet those responsibilities. The committee amendment adds that "on-site staffing" must also be equivalent, to ensure that it is clear that the requirement for staffing at each facility is not changed. Vote 17-0.

Amendment (1391h)

Amend RSA 147-A:5, III(a) as inserted by section 2 of the bill by replacing it with the following:

III.(a) Each hazardous waste generator that generates more than 220 pounds of hazardous waste per month shall have on staff at the facility where the hazardous waste is generated a hazardous waste coordinator certified by the department. The certified hazardous waste coordinator shall be responsible for ensuring that the generator is aware of and in compliance with applicable requirements relating to hazardous waste management, including but not limited to storage, transportation, and disposal. Certification shall not be transferable. Initial certification shall be valid for one year and may be renewed for subsequent one-year terms. The department may charge a reasonable fee to cover expenses for education and training programs that fulfill the initial certification and continuing education requirements. *The commissioner may authorize alternative certified hazardous waste coordinator programs provided the program demonstrates equivalent on-site staffing, training, continuing education, and management organization to meet the responsibilities of this paragraph.*

SB 19, relative to qualifications to sell lottery, bingo and lucky 7 tickets. OUGHT TO PASS WITH AMENDMENT

Rep. Ken Hawkins for Executive Departments and Administration: This bill changes the language of RSA:21-h,II(e), which currently does not allow persons convicted of a felony, which has been annulled by a court, to ever have a license to sell lottery tickets to apply to the ten years prior to application. Testimony was given that there have been instances where someone was convicted of DWI at 20 or 21 not being able to get a license for their store when they are 40. The lottery commission supported this change. Vote 19-0.

Amendment (1291h)

Amend the bill by replacing all after the enacting clause with the following:

1 Qualifications to Sell Lottery Tickets. Amend RSA 284:21-h, II(e) to read as follows:

(e) ~~[Persons]~~ *Owners of retail establishments* who have been convicted of a felony *within the previous 10 years which has not been annulled by a court, or a misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been annulled by a court,* shall not be allowed to sell lottery tickets *in their retail establishment.*

2 Bingo and Lucky 7; Licenses; Ticket Sales. Amend RSA 287-E:5, V(c) to read as follows:

(c) ~~[That]~~ Neither the applicant nor any member of the charitable organization who will ~~[be participating in the operation of]~~ *operate* the bingo games and ~~[sale of]~~ *sell* lucky 7 tickets has been convicted of a felony ~~[or class A misdemeanor]~~ within the previous 10 years which has not been annulled by a court, or a ~~[class B]~~ *misdemeanor involving falsehood or dishonesty* within the ~~[past]~~ *previous* 5 years which has not been annulled by a court, or has violated the statutes or rules governing charitable gambling.

3 Effective Date. This act shall take effect January 1, 2006.

SB 153-FN, relative to the administration of certain programs by the department of environmental services. OUGHT TO PASS WITH AMENDMENT

Rep. Ken Hawkins for Executive Departments and Administration: This bill deals with transfer of employees from the Department of Health and Human Services to the Department of Environmental Services. This bill makes clear that Health and Human Services will continue to have responsibility for lead paint poisoning prevention and control. Vote 18-0.

Amendment (1312h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the administration of a certain program by the department of environmental services.

Amend the bill by deleting sections 1 and 2 and renumbering the original sections 3 and 4 to read as 1 and 2, respectively.

AMENDED ANALYSIS

This bill transfers the lead abatement licensing and certification program from the department of environmental services to the department of health and human services which administers the rest of the lead paint poisoning prevention program.

SB 53-FN, relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operations officer to chief financial officer in the department of environmental services. **OUGHT TO PASS**

Rep. Joseph E. Stone for Finance: This bill authorizes increased spending for the publication of certain materials by the Department of Environmental Services. A non-expiring revolving fund, which shall not exceed \$30,000 on June 30 of each year, is established by the Department of Environmental Services. Any monies in excess of \$30,000 revert to the General Fund. The second part of the bill amends RSA 21-0:2 and RSA 94:1-a to change a position title from Chief Operations Officer to Chief Financial Officer. Vote 22-0.

SB 43, relative to the administration of estates of persons presumed dead. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory M. Sorg for Judiciary: This bill clarifies and amends current law under which judges of probate legally establish the death and administer the estate of a missing person and reduces from seven to five years the period such a person must be missing before he may conclusively be presumed dead and his estate settled in his heirs or legatees. Vote 15-5.

Amendment (1358h)

Amend RSA 553:19, II as inserted by section 4 of the bill by replacing it with the following:

II. That the person has been absent for a continuous period of 5 years, during which time he or she has not been heard of or from, and whose absence is not satisfactorily explained after diligent search or inquiry. The individual's death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier.

Amend RSA 563:5, V as inserted by section 5 of the bill by replacing it with the following:

V. An individual whose death is not established[;] under the preceding paragraphs who is absent for a continuous period of [7] 5 years, during which time that individual has not been heard from, and whose absence is not satisfactorily explained after diligent search or inquiry, is presumed to be dead. The individual's death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier.

SB 28, relative to confidentiality and workers' compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: The committee believes in the protection of privacy regarding workers' compensation claims and the deliberations of the Public Employee Labor Relations Board. The amendment clarifies that in adjudicatory hearings conducted by the board, the board's deliberative processes shall be privileged and exempt from the public disclosure provisions of RSA 91-A. Vote 15-0.

Amendment (1060h)

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 4 and 5, respectively:

2 Records and Reports; Exception. Amend RSA 273-A:16, II to read as follows:

II. *Except as provided in paragraph IV*, all documents and records of the board shall be public records and shall be kept for a minimum of 10 years.

3 New Paragraph; Records and Reports; Exception. Amend RSA 273-A:16 by inserting after paragraph III the following new paragraph:

IV. In adjudicatory hearings conducted by the board, the board's deliberative processes shall be privileged and exempt from the public disclosure provisions of RSA 91-A. Decisions and orders in these adjudicatory hearings, including any prehearing orders required by RSA 541-A:31, V(d) shall be publicly available, but only after they have been reduced to writing, signed by a representative of the board, and served upon the parties.

SB 143, relative to the adoption and use of impact fees for public open space. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: RSA 674:21, V defines an "impact fee" as a fee or assessment imposed upon development to meet the needs "occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality..." Many municipalities already appropriate funding within their budgets to purchase property or easements

in order to preserve the open space within their borders. Currently there is a prohibition on using these impact fees for the acquisition of public open space. A municipality has to enact a capital improvements program (CIP), pursuant to RSA 674:5-7, in order to assess any impact fees upon development. SB 143 proposed to remove this prohibition and allow public open space to be part of the CIP. This impact fee would be assessed per housing unit from \$250 per unit up to \$750 per unit with some reductions if workforce housing is included in the project. There are already effective tools for local land use boards to preserve open space within each development such as cluster development, the transfer of development rights, planned unit development and the village plan alternative. Current use has also been used effectively for the preservation of open space. This open space initiative is for the benefit of all the community's citizens and should be supported by the municipality as a whole and not on the backs of those wishing to build their dream homes. The committee recognizes that the desire for increased open space and the need for increased housing supply need to be balanced and agreed that assessing impact fees on new development was not an acceptable solution. Vote 10-2.

SB 176, creating a public safety exception to a municipality's denial of an appropriation or budgetary item. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: RSA 32:10 was amended in 2003 to ensure that when a voter voted "No" on a separate warrant article, he or she meant "No." This change was in response to the many incidents where local governing bodies of the town and school districts would implement the purpose of the separate warrant article by transferring funds from other line items to pay for the defeated articles in a flagrant disregard of the voters' intent. SB 176 seeks to create a public safety exception to the "no means no" vote by allowing the transfer of funds if such purpose was related to public safety, which was not defined. Many items relating to schools, police, fire and public works departments could be classified as related to public safety. The committee states strongly that the intent of RSA 32:11 which relates to emergency expenditures and over expenditures and the procedures required to expend more than the total amount appropriated by the legislative body cover all the emergency situations that might arise. The process in RSA 32:11 states that the governing body is required to have a public hearing, to receive input from the budget committee, if there is one, and to designate the source of funds to the commissioner of the department of revenue administration or commissioner of education prior to getting approval to expend funds for an emergency situation. The committee strongly agrees that the RSA 32:11 procedure authorizes the expenditure of funds in the event of emergency situations. Vote 12-0.

SB 188, relative to the construction of buildings on properties without street frontage. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: RSA 674:41 deals with when a building permit can be issued once a planning board has been granted the authority to approve or disapprove plats. The concept behind this bill is to allow municipalities the ability to issue building permits on most lots that are serviced by either maintained or un-maintained streets. Notice of the limits of municipal responsibility and liability must be recorded in the county registry of deeds for the lot that is serviced by the un-maintained streets. A recent interpretation of this statute by a municipality resulted in a building permit being denied which initiated the introduction of SB 188. The bill as received by the House would have allowed municipalities to exempt certain structures from the requirements of RSA 674:41. The committee worked on the issue and came up with an amendment that fulfilled the desires of the sponsor of the original bill, and at the same time corrected a deficiency in the statute. Vote 13-2.

Amendment (1364h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Erection of Buildings on Streets; Exception. Amend the introductory paragraph of RSA 674:41, II-a to read as follows:

II-a. Municipalities may except *any lot, including* island lots for islands served exclusively by boats, from the requirements of paragraphs I and II by an affirmative vote of the local legislative body *pursuant to RSA 675*, first submitted to the planning board for its approval and:

2 Erection of Buildings on Streets; Preemption. Amend RSA 674:41, III to read as follows:

III. This section shall supersede any less stringent local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section. For purposes of paragraph I, "the

street giving access to the lot" means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraphs I(a), (b), (c), (d), or (e).

AMENDED ANALYSIS

This bill allows towns to exempt certain structures from the requirement that they be built on streets and clarifies the definition of a street giving access to a lot.

SB 215-FN, creating a committee to study banning the incineration of construction and demolition debris. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jim Ryan for Science, Technology and Energy: The committee has met on several occasions with respect to several proposed pieces of legislation that attempt to begin a legislative response to the potential harm from incineration of construction and demolition debris (C & D). The bill at hand requires a study, but, as amended, broadens the focus of the study to not only consider the air quality issues relative to C & D, but also issues that relate to solid waste management and C & D. The unanimous vote of the committee reflects a consensus that a broader study is necessary as our public policy evolves to meet the challenges posed by the disposal of C & D materials. Vote 14-0.

Amendment (1238h)

Amend the title of the bill by replacing it with the following:

AN ACT creating a committee to study alternatives for the disposal of construction and demolition debris.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study alternatives for the disposal of construction and demolition debris.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study alternatives for the disposal of construction and demolition debris with particular emphasis on the use of wood derived from the construction and demolition waste stream as a fuel for generating electricity and the importation of such wood products in the state.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2005.

AMENDED ANALYSIS

This bill creates a committee to study alternatives for the disposal of construction and demolition debris.

SCR 2, relative to reauthorization of the Transportation Equity for the 21st Century Act (TEA-21). **OUGHT TO PASS**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The committee believes it is important that the federal government pass the highway bill. The State of New Hampshire needs to know the extent of federal funding available to properly develop its own long-range road, upgrade and construction schedules. Furthermore, since there are requirements for different degrees of matching funding, it also has an impact on the state budget. It is imperative that any administration proposal and congressional legislation reauthorizing TEA-21 maintain the funding mechanism created in TEA-21 that established a direct link between fuel taxes collected at the pump and federal spending on highway, transit and other TEA-21 projects. Vote 11-0.

SJR 2, urging Congress to reject the Streamlined Sales Tax Project. **OUGHT TO PASS**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The Supreme Court has stated that no state can collect sales taxes on out-of-state sales unless it has a brick and mortar facility in state. This is an attempt to collect sales taxes from NH citizens. NH citizens will receive no benefit from these taxes while placing NH at risk of losing major mail order companies. Vote 11-0.

SB 86, permitting on-site samples and retail sales by liquor manufacturer licensees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christine C. Hamm for Ways and Means: This bill extends the opportunity that currently exists for wineries and distilleries to offer samples and on-site sales of their products to include liquor

as well as wine. The committee heard testimony from the liquor commissioner that the state will collect an 8% tax on such sales and that the amount of revenue lost to state-owned liquor stores from on-site sales would be negligible. The committee concurs with the unanimous vote of the House Commerce Committee and the Senate Energy and Economic Development Committee that this legislation will promote economic development, particularly for the state's agricultural community. The amendment makes this effective on passage. Vote 19-0.

Amendment (1480h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SB 150-FN, relative to application fees for certain bank incorporations. **OUGHT TO PASS**
Rep. Catherine Mulholland for Ways and Means: This bill is effectively a housekeeping bill to bring the application fee for certain bank incorporations into alignment with the fee charged by the Secretary of State to all business corporations under RSA 293-A. Vote 19-0.

SB 152-FN, relative to audits by the department of revenue administration of enhanced 911 charges and relative to the confidentiality of information collected by the department of safety regarding the surcharge for enhanced 911 system. **OUGHT TO PASS**

Rep. Sharon M. Carson for Ways and Means: This bill simply allows the Department of Revenue Administration to conduct audits of retailers subject to the enhanced 911 surcharge when these retailers are audited for other state fees and taxes. The results of the audits are then reported to the Department of Safety which is required to keep any privileged information obtained in the audits confidential. Vote 19-0.

SB 165-FN, relative to the collection of tax debts from out-of-state debtors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: The bill permits the Department of Revenue Administration to contract with private collection agencies to collect debts from out-of-state taxpayers. To do this, it must share confidential data with the agencies. The amendment limits this data to that which is necessary to collect the debt. Vote 21-0.

Amendment 1369h)

Amend RSA 21-J:14, V(f) as inserted by section 3 of the bill by replacing it with the following:

(f) Disclosure of department records, files, returns, or information to an authorized vendor of collection services that is a legal representative or agent engaged to collect a debt of the state if the taxpayer whom the information concerns is the subject of an authorized investigation regarding an unpaid tax liability to the state; or the information concerns a transactional relationship between a person who is or may be a party to such proceeding and the taxpayer. The department shall only disclose such information that is directly related to the unpaid tax liability and is necessary to collect such debt. The vendor and its employees having access to this confidential information shall be subject to the provisions of RSA 21-J:14.

REGULAR CALENDAR

SB 30, establishing the Collaborative Practice for Emergency Contraception Act. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anne-Marie Irwin for the Majority of Executive Departments and Administration: Emergency contraception is a valuable contraceptive option that has the potential to reduce the number of unintended pregnancies and abortions by half. EC is a high dose of regular contraceptive pills that IS effective when taken within five days of unprotected sex, contraceptive failure or sexual assault and is FDA approved for use by all women of reproductive age. It should not be confused with RU-486, the abortion pill. Because EC is most effective the sooner it is taken (preferably within 72 hours), expanding access through collaborative therapy agreements can be crucial in providing access for working women, women with low incomes, victims of sexual and domestic violence, and women in rural areas. Collaborative therapy agreements are voluntary, opt-in agreements allowing willing pharmacists to partner with prescribers to dispense EC behind-the-counter with the trained pharmacist using the provider's prescription power. Six states currently use collaborative therapy agreements to dispense emergency contraceptives. Vote 14-5.

Rep. Nelson S. Allan for the Minority of Executive Departments and Administration: This bill will implement poor public health policy and similar policies have been rejected for the past four years. These powerful drugs are available now by prescription. The Food and Drug Administration has decided to not permit over the counter availability of these powerful drugs. In fact, FDA has evaluated only one drug for over the counter use and this bill does not limit the selection to that one drug. There are no age limitations on use of this drug and no parental notification after providing such to a minor. The collaborative practice portion of the bill provides a fact sheet to be given to the female purchaser with no assurances of ability to read or interpret the medical terminology by her. This bill is poorly labeled as providing contraception drugs, since part of its effectiveness is termination of the conceived fertilized egg by preventing attachment in the womb. Only a few states have started providing these drugs over the counter and no proven reduction in abortions or reduction in the steady rise of sexually transmitted diseases have been shown.

(Deputy Speaker Weyler in the Chair)

Rep. Bettencourt offered floor amendment (1513h).

Floor Amendment (1513h)

Amend RSA 318:47-e, II as inserted by section 3 of the bill by replacing it with the following:

II. A pharmacist may initiate emergency contraception drug therapy for persons 18 years of age or older, with proper identification, in accordance with standardized procedures or protocols developed by the board, adopted pursuant to RSA 541-A, and an authorized prescriber who is acting within his or her scope of practice.

Amend RSA 318:47-e as inserted by section 3 of the bill by inserting after paragraph VI the following new paragraph:

VII. A pharmacist shall not initiate emergency contraception drug therapy under this section to persons under 18 years of age without the consent of a parent or guardian.

AMENDED ANALYSIS

This bill establishes the Collaborative Practice for Emergency Contraception Act. Under this bill, a pharmacist may initiate emergency contraception drug therapy to persons 18 years of age or older in accordance with procedures developed by the New Hampshire pharmacy board and a physician or other authorized prescriber who is acting within his or her scope of practice. This bill requires persons under 18 years of age to have the consent of a parent or guardian before a pharmacist may initiate emergency contraception drug therapy.

Reps. Bettencourt and Giuda spoke in favor.

Reps. Millham and Houde-Quimby spoke against.

Rep. Bettencourt requested a roll call; sufficiently seconded.

The question being adoption of floor amendment (1513h).

YEAS 141 NAYS 225

YEAS 141

BELKNAP

Boyce, Laurie
Heald, Bruce
Wendelboe, Fran

Clark, Charles
Rosen, Ralph
Whalley, Michael

Fitzgerald, James
Russell, David

Flanders, Donald
Veazey, John

CARROLL

Ahlgren, Christopher
Patten, Betsey

Brown, Carolyn
Philbrick, Donald

Chandler, Gene
Stevens, Stanley

McConkey, Mark

CHESHIRE

Butynski, William

Hogancamp, Deborah

COOS

King, Frederick
Tholl, John Jr

Morneau, Renney

Richardson, Herbert

Stohl, Eric

GRAFTON

Giuda, Robert
Sorg, Gregory

Ingbretson, Paul
Williams, Burton

Maybeck, Margie

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Biundo, Michael
Carew, James
Desmarais, Vivian
Goyette, Peter Jr
Hawkins, Ken
Hunter, Bruce
Manney, Pamela
Mead, Robert
Pepino, Leo
Slocum, Lee
Ulery, Jordan

Balboni, Michael
Boehm, Ralph
Christensen, D L Chris
Elliott, Nancy
Hagan, Barbara
Hellwig, Steve
Infantine, William
Martin, Mary Ellen
Mooney, Maureen
Pilotte, Maurice
Souza, Kathleen
Wheeler, James

Batula, Peter
Brassard, Paul
Christiansen, Lars
Gibson, John
Haley, Robert
Hirschmann, Keith
Jasper, Shawn
Matarazzo, Anthony Sr
Moran, Edward
Renzullo, Andrew
Stepanek, Stephen

Bergeron, Jean-Guy
Buhlman, David
Crane, Elenore Casey
Gonzalez, Carlos
Hansen, Ryan
Holden, Randolph
Lawrence, James
McRae, Karen
O'Brien, William
Rowe, Robert
Tahir, Saghir

MERRIMACK

Field, William
Oliver, James

Hess, David
Reed, Dennis

Kennedy, Richard
Whiting, Herbert

Langlais, Thomas

ROCKINGHAM

Allen, Mary
Camm, Kevin
DiFruscia, Anthony
Dowling, Patricia
Flanders, John Sr
Ingram, Russell
Lund, Howie
Packard, Sherman
Rausch, James
Stiles, Nancy
Weldy, Norman
Zolla, William

Bettencourt, David
Carson, Sharon
Dodge, Robert
Doyle, Christopher
Garrity, James
Introne, Robert
Mason, April
Putnam, Ed II
Rolston, James
Waterhouse, Kevin
Weyler, Kenneth

Bicknell, Elbert
Coburn, James
Donahue, Richard Ken
Dumaine, Dudley
Gilbert, Karl
Itse, Daniel
McMahon, Charles
Quandt, Marshall Lee
Scamman, Stella
Weare, E Albert
Wiley, Robert

Cady, Harriet
Cooney, Richard
Dowd, John
Fesh, Bob
Hutchinson, Karen
Johnson, Rogers
O'Neil, Michael
Quandt, Matthew
Smith, Paul
Welch, David
Winchell, George

STRAFFORD

Albert, Russell
Chaplin, Duncan
Twombly, James

Berube, Roger
Domingo, Baldwin

Campbell, W Packy
Easson, Timothy

Cataldo, Sam
Newton, Clifford

SULLIVAN

Donovan, Thomas

Gale, Harry

Irish, Christopher

Rodeschin, Beverly

NAYS 225**BELKNAP**

Allen, Janet
Pilliod, James

Millham, Alida
Tilton, Franklin

Morrison, Gail
Tobin, William

Nedeau, Stephen

CARROLL

Babson, David Jr
Martin, James

Buco, Thomas
Morrow, Harry

Dickinson, Howard
Olimpio, J Lisbeth

Knox, J David

CHESHIRE

Allen, Peter
Dunn, J Timothy
Foote, Sheila
Pelkey, Stephen
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Hunt, John
Plifka, Stanley Jr
Robertson, Timothy

Chase, William
Emerson, Susan
Mitchell, Bonnie
Pratt, John
Sawyer, Sheldon

Dexter, Judson
Espiefs, Peter
Parkhurst, Henry
Richardson, Barbara
Tilton, Anna

COOS

Lary, Bruce
Theberge, Robert

Mears, Edgar

Merrick, Scott

Remick, William

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Sokol, Hilda

Barker, Robert
Eaton, Stephanie
McLeod, Martha
Solomon, Peter

Benn, Bernard
Gionet, Edmond
Mulholland, Catherine
Ward, John

Bleyler, Ruth
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Aboshar, Jeffrey
Brundige, Robert
Chabot, Robert
Coughlin, Pamela
Dokmo, Cynthia
Emerton, Larry
Gargas, Carolyn
Goley, Jeffrey
Hebert, Raymond
Johnson, Paula
L'Heureux, Robert
Michon, Stephen
Price, Pamela
Ryder, Donald
Smith, David
Velez, Hector

Baroody, Benjamin
Calawa, Leon Jr
Chase, Claudia
Craig, James
Drisko, Richard
Essex, David
Garrity, Patrick
Graham, John
Hinkle, Peyton
Kelly, Eugene Jr
Lasky, Bette
Movesian, Lori
Reeves, Sandra
Scanlon, Michael
Sullivan, Francis
Villeneuve, Maurice

Beaulieu, Jane
Carlson, Donald
Clayton, William
Daniuk, Caitlin
Dyer, Donald
Foster, Linda
Ginsburg, Ruth
Hall, Betty
Irwin, Anne-Marie
Kopka, Angeline
Lefebvre, Roland
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter
Wheeler, Robert

Bergin, Peter
Carter, Mark
Clemons, Jane
DeVries, Betsi
Egbers, Fran
Francoeur, Bea
Golding, William
Harvey, Suzanne
Jean, Claudette
Kurk, Neal
Messier, Irene
Pappas, Christopher
Ross, Lawrence
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Clarke, Claire
Foose, Robert
Hager, Elizabeth
L'Heureux, Stephen
Maxfield, Roy
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Blanchard, Elizabeth
Currier, David
French, Barbara
Hamm, Christine
Lockwood, Priscilla
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

Bouchard, Candace
DeJoie, John
Gile, Mary
Kidder, David
MacKay, James
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
Klose, John
Marple, Richard
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn
Casey, Kimberley
Forsing, Robert
Griffin, Mary
Katsakiores, George
Major, Norman
Nowe, Ronald
Robertson, Carl
Stone, Joseph

Asselin, Michael
Bridle, Russell
Charron, Gene
Francoeur, Sheila
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
Pantelakos, Laura
Sanders, Elisabeth
Wells, Roger

Belanger, Ronald
Buxton, Donald
Dalrymple, Janeen
Gillick, Thomas
Hughes, Daniel
Kobel, Rudolph
Moody, Marcia
Powers, James
Serlin, Christopher

Bishop, Franklin
Cali-Pitts, Jacqueline
Flockhart, Eileen
Gould, Kenneth
Johnson, Robert
Langley, Jane
Norelli, Terie
Priestley, Anne
Splaine, James

STRAFFORD

Bickford, David
Callaghan, Frank
Goodwin, Earle
Johnson, Nancy
Rollo, Michael
Snyder, Clair
Wall, Janet

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Keans, Sandra
Rous, Emma
Spang, Judith

Brown, Julie
Creteau, Irene
Hilliard, Dana
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Lawrence
Dunlap, Patricia
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen			

and floor amendment (1513h) failed.

(Speaker Scamman in the Chair)

The question now being adoption of the majority committee report.
 Reps. Hawkins and Field spoke against.
 Rep. Dexter spoke in favor.
 Rep. Langlais spoke against and yielded to questions.
 Rep. Irwin spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Mirski moved that **SB 30**, establishing the Collaborative Practice for Emergency Contraception Act, be laid on the table.
 Rep. Vaillancourt requested a roll call; sufficiently seconded.
 The question being adoption of the motion to lay SB 30 on the table.

YEAS 142 NAYS 222**YEAS 142****BELKNAP**

Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Neddeau, Stephen	Rosen, Ralph	Russell, David
Tilton, Franklin	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Butynski, William

COOS

King, Frederick	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Giuda, Robert	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Buhlman, David	Carew, James	Carlson, Donald	Christiansen, Lars
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Elliott, Nancy
Francoeur, Bea	Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr
Hansen, Ryan	Hawkins, Ken	Hebert, Raymond	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Hunter, Bruce	Jasper, Shawn
Lawrence, James	Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Mead, Robert	Michon, Stephen	Mooney, Maureen
Moran, Edward	O'Brien, William	Pepino, Leo	Pilotte, Maurice
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Wheeler, James	Wheeler, Robert		

MERRIMACK

Currier, David	Field, William	Hess, David	Kennedy, Richard
Klose, John	Langlais, Thomas	Reed, Dennis	Whiting, Herbert

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Cady, Harriet	Carson, Sharon	Coburn, James
Dodge, Robert	Donahue, Richard Ken	Dowd, John	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Garrrity, James	Griffin, Mary
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Mason, April	McKinney, Betsy	Nowe, Ronald	Packard, Sherman
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Scamman, Stella
Smith, Paul	Waterhouse, Kevin	Welch, David	Weldy, Norman
Weyler, Kenneth	Wiley, Robert	Zolla, William	

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Callaghan, Frank
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin
Easson, Timothy	Newton, Clifford	Twombly, James	

SULLIVAN

Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
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NAYS 222**BELKNAP**

Allen, Janet	Millham, Alida	Morrison, Gail	Pilliod, James
Tobin, William			

CARROLL

Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Chase, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna	Weed, Charles		

COOS

Lary, Bruce	Mears, Edgar	Merrick, Scott	Theberge, Robert
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GRAFTON

Almy, Susan	Barker, Robert	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Ward, John	

HILLSBOROUGH

Aboshar, Jeffrey	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Calawa, Leon Jr	Carter, Mark	Chabot, Robert	Chase, Claudia
Christensen, D L Chris	Clayton, William	Clemons, Jane	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Gargas, Carolyn	Garrrity, Patrick	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Graham, John	Hagan, Barbara
Haley, Robert	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Infantine, William	Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula

Kelly, Eugene Jr
Lasky, Bette
O'Connell, Timothy
Ross, Lawrence
Shaw, Kimberly
Vaillancourt, Steve

Kopka, Angeline
Lefebvre, Roland
Pappas, Christopher
Ryder, Donald
Smith, David
Velez, Hector

Kurk, Neal
Messier, Irene
Price, Pamela
Scanlon, Michael
Sullivan, Francis
Villeneuve, Maurice

L'Heureux, Robert
Movsesian, Lori
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Hamm, Christine
MacKay, James
Oliver, James
Reardon, Tara
Tilton, Joy
Williams, Robert

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Kidder, David
Marple, Richard
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
L'Heureux, Stephen
Maxfield, Roy
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
Lockwood, Priscilla
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Cooney, Richard
Flanders, John Sr
Gilbert, Karl
Hughes, Daniel
Major, Norman
O'Neil, Michael
Putnam, Ed II
Serlin, Christopher
Weare, E Albert

Asselin, Michael
Camm, Kevin
Dalrymple, Janeen
Flockhart, Eileen
Gillick, Thomas
Hutchinson, Karen
McMahon, Charles
Pantelakos, Laura
Robertson, Carl
Splaine, James
Wells, Roger

Blanchard, MaryAnn
Casey, Kimberley
DiFruscia, Anthony
Forsing, Robert
Gould, Kenneth
Kobel, Rudolph
Moody, Marcia
Powers, James
Rolston, James
Stiles, Nancy
Winchell, George

Bridle, Russell
Charron, Gene
Dowling, Patricia
Francoeur, Sheila
Headd, James
Langley, Jane
Norelli, Terie
Priestley, Anne
Sanders, Elisabeth
Stone, Joseph

STRAFFORD

Brown, Jennifer
Creteau, Irene
Hilliard, Dana
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Julie
Dunlap, Patricia
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Lawrence
Goodwin, Earle
Johnson, Nancy
Rollo, Michael
Snyder, Clair

Cilley, Jacalyn
Grassie, Anne
Keans, Sandra
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizz, James

and the motion to lay SB 30 on the table failed.

Rep. John Flanders moved the previous question.

Adopted.

The question now being adoption of the majority committee report.

Rep. Aboshar requested a roll call; sufficiently seconded.

YEAS 195 NAYS 169

YEAS 195

BELKNAP

Allen, Janet

Millham, Alida

Morrison, Gail

Pilliod, James

CARROLL

Babson, David Jr
Knox, J David

Buco, Thomas
Martin, James

Chandler, Gene
Olimpio, J Lisbeth

Dickinson, Howard
Patten, Betsey

CHESHIRE

Allen, Peter
Dunn, J Timothy
Foote, Sheila
Pelkey, Stephen
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Hunt, John
Plička, Stanley Jr
Robertson, Timothy

Chase, William
Emerson, Susan
Mitchell, Bonnie
Pratt, John
Sawyer, Sheldon

Dexter, Judson
Espieffs, Peter
Parkhurst, Henry
Richardson, Barbara
Tilton, Anna

COOS

Lary, Bruce
Theberge, Robert

Mears, Edgar

Merrick, Scott

Remick, William

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Sokol, Hilda

Barker, Robert
Eaton, Stephanie
McLeod, Martha
Solomon, Peter

Benn, Bernard
Gionet, Edmond
Mulholland, Catherine
Ward, John

Bleyler, Ruth
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Carlson, Donald
Clemons, Jane
Dokmo, Cynthia
Foster, Linda
Golding, William
Harvey, Suzanne
Kelly, Eugene Jr
Lefebvre, Roland
O'Connell, Timothy
Ryder, Donald
Smith, David
Velez, Hector

Beaulieu, Jane
Carter, Mark
Craig, James
Drisko, Richard
Gargas, Carolyn
Goley, Jeffrey
Holden, Randolph
Kopka, Angeline
Matarazzo, Anthony Sr
Pappas, Christopher
Scanlon, Michael
Sullivan, Francis

Bergin, Peter
Chase, Claudia
Daniuk, Caitlin
Egbers, Fran
Garrity, Patrick
Graham, John
Infantine, William
Kurk, Neal
Messier, Irene
Price, Pamela
Shaw, Barbara
Sullivan, Peter

Calawa, Leon Jr
Clayton, William
DeVries, Betsi
Essex, David
Ginsburg, Ruth
Hall, Betty
Irwin, Anne-Marie
Lasky, Bette
Movsesian, Lori
Rosenwald, Cindy
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Clarke, Claire
Gile, Mary
Kidder, David
Marple, Richard
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Blanchard, Elizabeth
DeJoie, John
Greco, Vincent
L'Heureux, Stephen
Maxfield, Roy
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
Foose, Robert
Hager, Elizabeth
Lockwood, Priscilla
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

Brueggemann, Donald
French, Barbara
Hamm, Christine
MacKay, James
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
DiFruscia, Anthony
Francoeur, Sheila
Major, Norman
Pantelakos, Laura
Serlin, Christopher
Wells, Roger

Asselin, Michael
Casey, Kimberley
Dowling, Patricia
Gould, Kenneth
Moody, Marcia
Powers, James
Splaine, James

Blanchard, MaryAnn
Charron, Gene
Flanders, John Sr
Hutchinson, Karen
Norelli, Terie
Rausch, James
Stiles, Nancy

Bridle, Russell
Dalrymple, Janeen
Flockhart, Eileen
Langley, Jane
O'Neil, Michael
Robertson, Carl
Weare, E Albert

STRAFFORD

Bickford, David
Cilley, Jacalyn
Grassie, Anne

Brown, Jennifer
Creteau, Irene
Hilliard, Dana

Brown, Julie
Dunlap, Patricia
Hofemann, Roland

Brown, Lawrence
Goodwin, Earle
Johnson, Nancy

Keans, Sandra
Rous, Emma
Spang, Judith

Knowles, William
Schmidt, Peter
Taylor, Kathleen

Miller, Joseph
Smith, Marjorie
Wall, Janet

Rollo, Michael
Snyder, Clair

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinzy, James

NAYS 169

BELKNAP

Boyce, Laurie
Heald, Bruce
Tilton, Franklin
Whalley, Michael

Clark, Charles
Nedeau, Stephen
Tobin, William

Fitzgerald, James
Rosen, Ralph
Veazey, John

Flanders, Donald
Russell, David
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Philbrick, Donald

Brown, Carolyn
Stevens, Stanley

McConkey, Mark

Merrow, Harry

CHESHIRE

Butynski, William

Hogancamp, Deborah

COOS

King, Frederick
Tholl, John Jr

Morneau, Renney

Richardson, Herbert

Stohl, Eric

GRAFTON

Giuda, Robert
Sorg, Gregory

Ingbretson, Paul
Williams, Burton

Maybeck, Margie

Mirski, Paul

HILLSBOROUGH

Aboshar, Jeffrey
Bergeron, Jean-Guy
Brundige, Robert
Christensen, D L Chris
Desmarais, Vivian
Francoeur, Bea
Hagan, Barbara
Hebert, Raymond
Hunter, Bruce
L'Heureux, Robert
McRae, Karen
Moran, Edward
Reeves, Sandra
Siocum, Lee
Ulery, Jordan

Adams, Jarvis IV
Biundo, Michael
Buhlman, David
Christiansen, Lars
Dyer, Donald
Gibson, John
Haley, Robert
Hellwig, Steve
Jasper, Shawn
Lawrence, James
Mead, Robert
O'Brien, William
Renzullo, Andrew
Souza, Kathleen
Villeneuve, Maurice

Balboni, Michael
Boehm, Ralph
Carew, James
Coughlin, Pamela
Elliott, Nancy
Gonzalez, Carlos
Hansen, Ryan
Hinkle, Peyton
Jean, Claudette
Manney, Pamela
Michon, Stephen
Pepino, Leo
Ross, Lawrence
Stepanek, Stephen
Wheeler, James

Batula, Peter
Brassard, Paul
Chabot, Robert
Crane, Elenore Casey
Emerton, Larry
Goyette, Peter Jr
Hawkins, Ken
Hirschmann, Keith
Johnson, Paula
Martin, Mary Ellen
Mooney, Maureen
Pilote, Maurice
Rowe, Robert
Tahir, Saghir
Wheeler, Robert

MERRIMACK

Currier, David
Kennedy, Richard
Reed, Dennis

DeStefano, Stephen
Klose, John
Whiting, Herbert

Field, William
Langlais, Thomas

Hess, David
Oliver, James

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Coburn, James

Belanger, Ronald
Cady, Harriet
Cooney, Richard

Bettencourt, David
Camm, Kevin
Dodge, Robert

Bicknell, Elbert
Carson, Sharon
Donahue, Richard Ken

Dowd, John
 Forsing, Robert
 Griffin, Mary
 Introne, Robert
 Katsakiores, George
 Mason, April
 Packard, Sherman
 Quandt, Matthew
 Smith, Paul
 Weldy, Norman
 Zolla, William

Doyle, Christopher
 Garrity, James
 Headd, James
 Itse, Daniel
 Katsakiores, Phyllis
 McKinney, Betsy
 Priestley, Anne
 Rolston, James
 Stone, Joseph
 Weyler, Kenneth

Dumaine, Dudley
 Gilbert, Karl
 Hughes, Daniel
 Johnson, Robert
 Kobel, Rudolph
 McMahon, Charles
 Putnam, Ed II
 Sanders, Elisabeth
 Waterhouse, Kevin
 Wiley, Robert

Fesh, Bob
 Gillick, Thomas
 Ingram, Russell
 Johnson, Rogers
 Lund, Howie
 Nowe, Ronald
 Quandt, Marshall Lee
 Scamman, Stella
 Welch, David
 Winchell, George

STRAFFORD

Albert, Russell
 Cataldo, Sam
 Newton, Clifford

Berube, Roger
 Chaplin, Duncan
 Twombly, James

Callaghan, Frank
 Domingo, Baldwin

Campbell, W Packy
 Easson, Timothy

SULLIVAN

Gale, Harry
 and the majority committee report was adopted.
 Ordered to third reading

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Bettencourt requested that his protest be entered in the Permanent Journal on Senate Bill 30.

This bill has major health issues that have not been well thought out. It exposes children to a potentially dangerous drug without their parent's guidance or proper medical supervision.

Additionally, the bill is crafted for special interest groups and undermines the valuable bond between a parent and child.

This bill is abhorrent to traditional New Hampshire values.

REGULAR CALENDAR (CONT'D.)

SB 124, relative to the regulation of real estate brokers by the real estate commission. OUGHT TO PASS WITH AMENDMENT

Rep. Ken Hawkins for Executive Departments and Administration: This bill defines the difference between a principal broker, associate broker and agency broker. It also clarifies in statute the qualifications needed for each of these. It also puts into place the requirement that someone applying for the first time for a broker's license must have a criminal background check. A number of the committee members felt that there should be a background test for everyone not just new applicants. The majority agrees with the real estate commission that there really haven't been enough problems to require background checks on everyone. Vote 10-7

Amendment (1337h)

Amend RSA 331-A:10, II(c)(1) as inserted by section 7 of the bill by replacing it with the following:

(c)(1) Has been employed full time by an active *principal* broker for at least one year *in this state within 5 years of the date of application*; or

Amend RSA 331-A:17, II as inserted by section 11 of the bill by replacing it with the following:

II. A real estate *principal* broker who proposes to use a registered trade name in connection with [the] a business [as] *principal broker license or the individual principal broker license* shall state that fact on [the application and the license shall be issued in that trade name. If already licensed, the broker shall return the license for appropriate amendment together with notice, in writing, of the broker's intention to use a registered trade name and the appropriate fee] *an amendment form, and submit the form along with the appropriate fee, the business or individual principal broker license to be amended, and a trade name registration form. The business or individual principal broker license shall be amended to include the trade name.*

Amend RSA 331-A:17, V as inserted by section 11 of the bill by replacing it with the following:

V. The commission shall issue a new license for the unexpired term if the salesperson *or associate broker* meets all requirements of licensure, upon receipt of a statement from a *principal* broker, together with the appropriate fee, that such salesperson *or associate broker* has become affiliated with such *principal* broker.

Amend RSA 331-A:26, X as inserted by section 18 of the bill by replacing it with the following:

X. Advertising in any manner without stating the broker's *legal* name as licensed *or reasonable derivative thereof*, and in the case of a salesperson *or associate broker*, without stating the name of the *principal* broker *or business name* as licensed for whom or under whom the salesperson *or associate broker* operates.

Amendment adopted.

Committee report adopted and ordered to third reading.

Reps. Barody, Cady, DeStefano, Dowling, Daniel Eaton, Mirski, and Phinizy declared a conflict of interest and did not participate.

SB 186, allowing probate court judges and district court justices to sit on probate or district court cases. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for the Majority of Judiciary: The purpose of the bill was to address a perennial issue of the lack of judges. The bill as amended allows the chief justice, after assessing the caseload needs and requirements under exigent circumstances and consulting with the administrative judges, to assign, from a pre-certified list, a judge to hear cases in either probate or district court on a temporary basis. Currently, district court judges may hear a probate case as a magistrate. The main debate in the committee was over the constitutionality of district court judges ruling on probate cases. Both are appointed by governor and council vote but district courts were a creation of the legislature. The constitution provides the authority to the General Court to "erect and constitute judiciaries and courts of record." Vote 15-5.

Rep. James E. Wheeler for the Minority of Judiciary: This bill allows district court judges to sit in probate courts and probate court judges to sit in district courts. The minority believes this violates our constitution and tramples on the power of the executive to appoint judges. Probate judges were appointed to sit in probate court, district court judges were appointed to sit in district courts, not vice versa. Furthermore, this bill does not address the issue of part time judges of those courts, who are currently prohibited from practicing in any other location of the court they sit on. If they are utilized under this bill will they then also be prohibited in practicing in front of the other court also? That is, if a part time district court judge, who practices probate law when not sitting as a judge, is called to sit on the probate court will he then be prohibited from practicing probate law? If not, that creates a very bad public perception. Furthermore, the constitution requires that judges of probate be the ones to handle all issues relating to the probate of wills and granting of letters of administration. This bill now puts district court judges in that function. For these many reasons, not the least being the unconstitutionality of this bill, we would urge this bill be killed.

Majority Amendment (1296h)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Assignment of Justices. Amend RSA 502-A by inserting after section 5 the following new section:

502-A:5-a Assignment of Judges. After assessing caseload needs and requirements under exigent circumstances and consulting with the administrative judges, the chief justice of the supreme court may assign from a precertified list of judges any district justice to hear cases in the probate court on a temporary basis.

2 New Section; Assignment of Judges. Amend RSA 547 by inserting after section 37 the following new section:

547:38 Assignment of Judges. After assessing caseload needs and requirements under exigent circumstances and consulting with the administrative judges, the chief justice of the supreme court may assign from a precertified list of judges any probate court judge to hear cases in the district court on a temporary basis.

Majority amendment adopted.

On a division vote, 240 members having voted in the affirmative and 93 in the negative, the majority report was adopted.

Ordered to third reading.

Rep. Coughlin declared a conflict of interest and did not participate.

SB 69-L, relative to certain insurance liens. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would allow a municipality to assert a lien on a real property owner's interests in any property insurance proceeds that are a result of the damage or destruction of that property owner's real property located in the municipality. The impetus for the filing of this bill was Berlin's experience of an owner of a damaged or destroyed building collecting the insurance payment, leaving the city and the destroyed building behind causing a possible unsightly and hazardous mess that becomes the city's responsibility to clean up. A subcommittee looked at the implications of this bill and determined that it had statewide ramifications and unintended consequences. Some of the issues were: when and how the municipality would place the lien; placing a blanket lien for all buildings in the municipality; who would determine the cost of rehabilitation or razing, the owner or the municipality; and how and when the lien would be released. Based on these questions, the committee does not support SB 69 and recognized that implementing a good downtown development project is a better answer to this situation. The committee has retained HB 657 that deals with revitalization of downtown areas and the committee will consider other avenues to help municipalities deal with damaged or destroyed buildings. Vote 12-3.

Committee report adopted.

SB 180-FN-A-L, increasing certain motor vehicle registration fees and appropriating the funds for local government records management programs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert W. Brundige for the Majority of Municipal and County Government: Currently town and city clerks receive one dollar to cover the costs of document preparation and administration for motor vehicle registrations and have since the New Hampshire statute was enacted in 1983. Both the local motor vehicle registration fees and the clerk preparation fee of \$1.00 are deposited in the municipality's general fund budget. In the 2001 session, the legislature created the local government records management improvement program and the position of the local government records manager, but it did not fund either one. The records to be preserved include all the municipality's forms and information, not just motor vehicle registrations, as determined by the Municipal Records Board. SB 180 is a proposal to increase the administrative cost by one dollar, of which fifty cents would be sent to the state, to fund the New Hampshire local government records management improvement fund established under RSA 5:48 and the other fifty cents would remain with the municipality to support local records management. The majority of the committee determined that by sending half of the increase to the state, in essence making it accruable to the state, that the fifty cents would need to be deposited in the highway fund, based on Part II, Article 6-a of the New Hampshire Constitution and any increase locally would need to offset increases in registration costs, not records management. RSA 162:152 allows for a fee in support of preparation of documents dealing with motor vehicle registrations. The committee recognizes that it is imperative that records be preserved and maintained and this action benefits the whole community. However the cost should be appropriated at the local level utilizing the normal budget process, not by increasing the cost of registering a motor vehicle. Vote 10-5.

Rep. Jessie L. Osborne for the Minority of Municipal and County Government: The minority believes that the State of New Hampshire has mandated that municipalities preserve and maintain records. RSA 261:153 enables the town or city clerk to receive a fee of \$1 for the preparation of each application for the registration of a motor vehicle. This fee is not currently being used for records management by most municipalities; rather it is deposited in the general fund. SB 180 would provide an additional \$.50 to be collected for the specific purpose of record management and records preservation programs at the local level and an additional \$.50 to be sent to the state for records management. Testimony clearly indicated that many municipalities do not have sufficient funds to preserve and maintain records properly. SB 180 addresses the critical need to fund local record management programs.

Rep. Patten spoke in favor.

Majority committee report adopted.

SB 11-FN, extending the local property tax exemption for wooden poles and conduits. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for the Majority of Ways and Means: Prior to 1990, telephone poles and conduits, owned by the regulated wireline telephone companies, were taxed only at the state level, never

at the local level. In 1990, and because of the potential growth in cellular service (cellular is a non-regulated telephone service), the tax on poles and conduits was repealed and replaced with the Communications Services Tax (CST). The CST taxes all two way communications regardless of the type of technology used to deliver the telephone service. As a result of the repeal of the state pole tax in 1990, the regulated wireline telephone companies experienced lower tax expenses and the Public Utilities Commission immediately ordered them to lower their rates for service. The property tax exemption was created in 1998 to settle electric company tax abatement efforts and every two years since, the legislature has voted to continue the exemption, reasoning that as long as there was a CST, an additional tax on just poles and conduits would be unfair to the industry and its customers. Current law calls for the exemption to expire in June of 2006 and this bill extends the exemption until 2010. A majority of the committee believes that if local communities are allowed to begin taxing poles and conduits, the Public Utilities Commission will allow telephone companies to pass along this new tax to customers through the form of a charge on just the regulated wireline telephone bills. The amount of a new tax is unknown, as is the value of poles and conduits at the community level, but recovery of the new tax could range from \$10 to \$40 per phone line, per year. As an example, if the new local property tax amounted to \$20 million dollars, then with 600,000 regulated wirelines, the additional charge per wireline could be approximately \$35 dollars per year per line. It is clear that due to the breakdown of property assessments, the increases in telephone bills for the average wireline business and home owner would far outweigh any potential local property tax savings. Vote 12-9.

Rep. Howie Lund for the Minority of Ways and Means: The minority felt strongly, having heard well-founded testimony supporting the rights of towns and municipalities to tax poles and conduits. The legislature has provided numerous multiple year extensions exempting the telecommunication businesses from this tax. The majority of the states in the US assess a tax on poles and conduits. Some states call it a personal property tax; other states call it a real property tax. Some states tax the items locally and some states tax at the state level. Initially, New Hampshire's Communications Service Tax (CST) was a substitute for the personal property tax that the telecommunication companies were paying. In the latter part of the 1990's the state granted a temporary exemption to all telecoms from having to pay a tax on their poles and conduits. The CST is a consumer based tax collected by the telecommunication companies and paid to the state in the same manner as the rooms and meals tax is collected by restaurants and motels from the consumer and paid to the state. Restaurants, motels and every other for profit business in this state must pay taxes on all of their real estate. The electric utilities pay a local property tax on their poles and conduits. It has only been the telecommunication industry that has had this unique exemption.

Reps. Lund, Butynski and Pratt spoke against.

Rep. Christine Hamm spoke in favor.

Reps. Jasper and Major spoke in favor and yielded to questions.

Rep. Major requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 255 NAYS 109

YEAS 255

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Dexter, Judson	Dunn, J Timothy	Emerson, Susan	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Pelkey, Stephen	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon		

COOS

Lary, Bruce	Mears, Edgar	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Almy, Susan	Barker, Robert	Benn, Bernard	Eaton, Stephanie
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Carew, James	Carlson, Donald	Carter, Mark	Chabot, Robert
Chase, Claudia	Christensen, D L Chris	Christiansen, Lars	Clayton, William
Clemons, Jane	Cote, David	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Essex, David	Foster, Linda	Francoeur, Bea
Gargas, Carolyn	Garrity, Patrick	Golding, William	Goley, Jeffrey
Gonzalez, Carlos	Graham, John	Hagan, Barbara	Haley, Robert
Hansen, Ryan	Hawkins, Ken	Hebert, Raymond	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Hunter, Bruce
Infantine, William	Jasper, Shawn	Kelly, Eugene Jr	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lawrence, James
Manney, Pamela	Martin, Mary Ellen	McRae, Karen	Mead, Robert
Messier, Irene	Michon, Stephen	Mooney, Maureen	Moran, Edward
Movsesian, Lori	O'Brien, William	O'Connell, Timothy	Pepino, Leo
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shaw, Barbara	Slocum, Lee	Smith, David
Souza, Kathleen	Stepanek, Stephen	Sullivan, Francis	Tahir, Saghir
Ulery, Jordan	Velez, Hector	Villeneuve, Maurice	Wheeler, James

MERRIMACK

Bouchard, Candace	Currier, David	DeStefano, Stephen	Field, William
French, Barbara	Hamm, Christine	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Oliver, James	Potter, Frances	Reardon, Tara	Reed, Dennis
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bicknell, Elbert	Bridle, Russell	Buxton, Donald
Cady, Harriet	Calif-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	DiFruscia, Anthony
Dowd, John	Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gillick, Thomas	Griffin, Mary	Headd, James
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Major, Norman	Mason, April	McKinney, Betsy	McMahon, Charles
Norelli, Terie	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella

Serlin, Christopher
Welch, David
Winchell, George

Smith, Paul
Wells, Roger
Zolla, William

Stiles, Nancy
Weyler, Kenneth

Waterhouse, Kevin
Wiley, Robert

STRAFFORD

Albert, Russell
Cilley, Jacalyn
Knowles, William
Twombly, James

Callaghan, Frank
Creteau, Irene
Newton, Clifford
Wall, Janet

Cataldo, Sam
Easson, Timothy
Snyder, Clair

Chaplin, Duncan
Hilliard, Dana
Taylor, Kathleen

SULLIVAN

Ferland, Brenda

Gale, Harry

Jillette, Arthur Jr

Rodeschin, Beverly

NAYS 109

BELKNAP

Morrison, Gail

CARROLL

Olimpio, J Lisbeth

Philbrick, Donald

CHESHIRE

Allen, Peter
Eaton, Daniel
Plifka, Stanley Jr
Weed, Charles

Butcher, Suzanne
Espiefs, Peter
Pratt, John

Butynski, William
Mitchell, Bonnie
Richardson, Barbara

Chase, William
Parkhurst, Henry
Tilton, Anna

COOS

King, Frederick

Merrick, Scott

Morneau, Renney

GRAFTON

Bleyler, Ruth
Solomon, Peter

Cooney, Mary

Hammond, Lee

Harding, A Laurie

HILLSBOROUGH

Beaulieu, Jane
Ginsburg, Ruth
Harvey, Suzanne
Matarazzo, Anthony Sr
Shaw, Kimberly

Buhlman, David
Gorman, Mary
Irwin, Anne-Marie
Pappas, Christopher
Sullivan, Peter

Egbers, Fran
Goyette, Peter Jr
Jean, Claudette
Pilotte, Maurice
Vaillancourt, Steve

Gibson, John
Hall, Betty
Johnson, Paula
Ross, Lawrence
Wheeler, Robert

MERRIMACK

Anderson, Eric
DeJoie, John
Lockwood, Priscilla
Ryan, Jim
Wallner, Mary Jane

Blanchard, Elizabeth
Foose, Robert
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
Gile, Mary
Owen, Derek
Tilton, Joy
Whiting, Herbert

Clarke, Claire
Greco, Vincent
Rush, Deanna
Tupper, Frank

ROCKINGHAM

Bishop, Franklin
Flockhart, Eileen
Johnson, Robert
Pantelakos, Laura
Stone, Joseph

Blanchard, MaryAnn
Gilbert, Karl
Langley, Jane
Powers, James
Weare, E Albert

Cooney, Richard
Gould, Kenneth
Lund, Howie
Robertson, Carl
Weldy, Norman

Dodge, Robert
Hughes, Daniel
Moody, Marcia
Splaine, James

STRAFFORD

Berube, Roger
Brown, Lawrence

Bickford, David
Domingo, Baldwin

Brown, Jennifer
Dunlap, Patricia

Brown, Julie
Goodwin, Earle

Grassie, Anne
Miller, Joseph
Smith, Marjorie

Hofemann, Roland
Rollo, Michael
Spang, Judith

Johnson, Nancy
Rous, Emma

Keans, Sandra
Schmidt, Peter

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Prichard, Stephen

Converse, Larry
Irish, Christopher

Donovan, Thomas
Osgood, Philip Sr

Franklin, Peter
Phinzy, James

and the majority committee report was adopted.

Ordered to third reading.

SB 85, relative to expenses of operating bingo games. OUGHT TO PASS

Rep. Kevin. L. Camm for Ways and Means: This bill will allow charities to keep 7 percent of the total amount collected in "winner-take-all" bingo games. Currently a winner in this type of game collects 93 percent of the total amount collected, 7 percent goes to the State. A majority of the committee felt an 86 percent take of the total amount collected would not diminish interest in these games and would provide the various charities with some much needed additional funds. Vote 16-5.

Committee report adopted and ordered to third reading.

SB 105, granting the executive director of fish and game authority to promote hunting, fishing, and wildlife-related activities. OUGHT TO PASS WITH AMENDMENT

Rep. Christine C. Hamm for Ways and Means: The committee heard testimony that interest in fishing, hunting and wildlife-related activities is declining in the state and that unless this trend can be reversed, the survival of the department is in danger. This bill, as amended, grants the executive director latitude to pursue promotional activities designed to retain current licensees and to attract new hunters and anglers to the sport. Such activities could include a temporary waiver or reduction of fees, and coordination between the public and private sectors to develop promotional advertising, exhibit, and brochures. A description of such activities shall be included in the department's biennial report. Vote 16-3.

Amendment (1463h)

Amend RSA 214:9-f as inserted by section 1 of the bill by replacing it with the following:

214:9-f Promotion Activities; Reductions in Fees Authorized. The executive director, with approval of the commission, may take such marketing actions to promote fisheries and wildlife resources, and attract hunters and anglers to the state as deemed necessary, which may include the reduction or the waiver of the fees for certain types of licenses available to the public for specified periods of time and at specified locations, to promote license sales for hunting, fishing, and trapping in the state. This may include coordination of activities between the public and private sectors and utilization of promotional advertising, exhibits, brochures, technical assistance, and expertise as necessary to develop and promote hunting, fishing, and other wildlife-related activities within the state. A description of the reductions, waivers, and activities under this section shall be included in the biennial report of the department under RSA 206:9-a.

Amendment adopted.

Committee report adopted and ordered to third reading.

BILLS REMOVED FROM CONSENT CALENDAR

SB 93-FN, transferring the electricians' board to the department of safety. OUGHT TO PASS

Rep. William R. Zolla for Executive Departments and Administration: This bill establishes a bureau of electrical safety and licensing in the department of safety, division of fire safety, and transfers the electricians' board and administration and enforcement of electricians' licensing to the state Fire Marshall. In so doing, the board, with the approval of the commissioner of safety, is obligated to set rates at 125% of operating expenses of the board for the previous fiscal year. The fees collected shall be deposited in the fire standards and training and emergency medical services fund, established in RSA 21-p:12-d, and used for purposes of operating expenses of the electricians' board. Fees collected in excess of actual operating expenses shall be deposited in the general fund as unrestricted revenue. The electricians' board stated in the fiscal notes that the change is organizational and therefore there will be no increased costs to the state or reduction in the traditional excess percentage contribution to the general fund. Vote 15-2.

Rep. Zolla yielded to questions.

Committee report adopted and ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. King moved that **SB 113-FN**, relative to the use of federal funds for technology improvements within the department of employment security, be made a Special Order for Wednesday, June 8, 2005 in the Regular Calendar order.

Adopted.

BILLS REMOVED FROM CONSENT CALENDAR (CONT'D.)

SB 192, relative to service in a war or conflict qualifying for the veterans' tax credit. **OUGHT TO PASS**

Rep. John P. Dowd for Municipal and County Government: RSA 72:28, V describes "service in a qualifying war or armed conflict" which included the dates of the war or conflict. An extensive review of the veterans' tax credits was completed in 2003 by the Municipal and County Government Committee. After enactment of many changes and the ability for a local community to increase the credit up to \$500, an inequity was discovered that rendered the military members who served in the Gulf War of 1990 and beyond ineligible for the veterans' tax credit. SB 192 corrects that inequity. The bill further simplifies the definition of a war or armed conflict without having to try to determine which veteran earned an armed forces expeditionary medal or theatre of operations service medal. Through the adoption of this bill, waiting for the governmental process to determine any military medals will not cause any delay in being eligible for the veterans' tax credit. The committee looked at an extensive statistical and historical analysis for each town and county. Vote 14-1.

Rep. Roberts offered floor amendment (1609h)

Floor Amendment (1609h)

Amend RSA 72:28, V as inserted by section 1 of the bill by replacing it with the following:

V. Service in a qualifying war or armed conflict shall be as follows:

~~[(a) "Spanish War" between April 21, 1898 and April 11, 1899;~~

~~[(b) "Philippine Insurrection" between April 12, 1899 and July 4, 1902, extended to July 15, 1903 for service in the Moro Provinces;~~

~~[(c) "Boxer Rebellion" between June 16, 1900 and May 2, 1901;]~~

~~[(d) (a) "World War I" between April 6, 1917 and November 11, 1918, extended to April 1, 1920 for service in Russia; provided that military or naval service on or after November 12, 1918 and before July 2, 1921, where there was prior service between April 6, 1917 and November 11, 1918 shall be considered as World War I service;~~

~~[(e) (b) "World War II" between December 7, 1941 and December 31, 1946;~~

~~[(f) (c) "Korean Conflict" between June 25, 1950 and January 31, 1955;~~

~~[(g) (d) "Vietnam Conflict" between December 22, 1961 and May 7, 1975;~~

~~[(h) (e) "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal; and]~~

~~[(f) "Persian Gulf War" between August 2, 1990 and November 30, 1995;~~

~~[(g) Afghanistan and Iraq conflicts between October 24, 2001 and the date thereafter prescribed by Presidential proclamation or by law; and]~~

~~[(h) (h) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal]~~

Rep. Roberts spoke in favor.

Rep. Stohl spoke against and yielded to questions.

Floor amendment (1609h) failed.

Committee report adopted and ordered to third reading.

SB 83, establishing a commission to study issues relative to the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill establishes a broadly-representative commission to review the effectiveness of the Comprehensive Shoreland Protection Act of 1994. After these eleven years, the act has been found to be beneficial in many aspects, but there have also been problems with clarity, enforceability and effectiveness. The proposed commission will evaluate those areas and consider options to clarify and improve the act. There was no unfavorable testimony to the bill. Vote 12-0.

Amendment (1386h)

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.**I. The members of the commission shall be as follows:**

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of environmental services, or designee.
- (d) The director of the office of energy and planning, or designee.
- (e) One member of a regional planning commission, nominated by the New Hampshire Association of Regional Planning Commissions, and appointed by the governor.
- (f) A representative of the New Hampshire Lakes Association, nominated by the New Hampshire Lakes Association, and appointed by the governor.
- (g) Two members of the public who are waterfront property owners, appointed by the governor.
- (h) A representative of the New Hampshire Farm Bureau Federation, nominated by the New Hampshire Farm Bureau Federation, and appointed by the governor.
- (i) A representative of the Home Builders Association of New Hampshire, nominated by the Home Builders Association of New Hampshire, and appointed by the governor.
- (j) A member with estuary experience representing the University of New Hampshire, appointed by the governor.
- (k) A representative of the New Hampshire Association of Realtors, nominated by the New Hampshire Association of Realtors, and appointed by the governor.
- (l) A representative of a waterfront community, nominated by the New Hampshire Municipal Association, and appointed by the governor.
- (m) A representative of the New Hampshire Rivers Council, nominated by the New Hampshire Rivers Council, and appointed by the governor.
- (n) A member representing forestry interests, nominated by the New Hampshire Timberland Owners Association, and appointed by the governor.
- (o) A member who is a landscaping consultant, appointed by the governor.
- (p) A member representing a conservation commission of a waterfront community, nominated by the New Hampshire Association of Conservation Commissions, and appointed by the governor.
- (q) A member from the New Hampshire Marine Trades Association, nominated by the association, and appointed by the governor.
- (r) The attorney general, or designee.
- (s) A member from the new Hampshire Wildlife Federation, nominated by the federation, and appointed by the governor.
- (t) A member from the New Hampshire Waterworks Association, nominated by the association, and appointed by the governor.
- (u) A member from the New Hampshire Association of Natural Resource Scientists, nominated by the association, and appointed by the governor.

Rep. Currier spoke against the committee amendment.

Amendment failed.

Rep. Currier offered floor amendment (1569h)

Floor Amendment (1569h)

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.**I. The members of the commission shall be as follows:**

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of environmental services, or designee.
- (d) The director of the office of energy and planning, or designee.
- (e) One member of a regional planning commission, nominated by the New Hampshire Association of Regional Planning Commissions, and appointed by the governor.

(f) A representative of the New Hampshire Lakes Association, nominated by the New Hampshire Lakes Association, and appointed by the governor.

(g) Two members of the public who are waterfront property owners, appointed by the governor.

(h) A representative of the New Hampshire Farm Bureau Federation, nominated by the New Hampshire Farm Bureau Federation, and appointed by the governor.

(i) A representative of the Home Builders and Remodelers Association of New Hampshire, nominated by the Home Builders and Remodelers Association of New Hampshire, and appointed by the governor.

(j) A member with estuary experience representing the University of New Hampshire, appointed by the governor.

(k) A representative of the New Hampshire Association of Realtors, nominated by the New Hampshire Association of Realtors, and appointed by the governor.

(l) A representative of a waterfront community, nominated by the New Hampshire Municipal Association, and appointed by the governor.

(m) A representative of the New Hampshire Rivers Council, nominated by the New Hampshire Rivers Council, and appointed by the governor.

(n) A member representing forestry interests, nominated by the New Hampshire Timberland Owners Association, and appointed by the governor.

(o) A member who is a landscaping consultant, appointed by the governor.

(p) A member representing a conservation commission of a waterfront community, nominated by the New Hampshire Association of Conservation Commissions, and appointed by the governor.

(q) A member from the New Hampshire Marine Trades Association, nominated by the New Hampshire Marine Trades Association, and appointed by the governor.

(r) The attorney general, or designee.

(s) A member from the New Hampshire Wildlife Federation, nominated by the New Hampshire Wildlife Federation, and appointed by the governor.

(t) A member from the New Hampshire Waterworks Association, nominated by the New Hampshire Waterworks Association, and appointed by the governor.

(u) A member from the New Hampshire Association of Natural Resource Scientists, nominated by the New Hampshire Association of Natural Resource Scientists, and appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

Rep. Currier spoke in favor.

Floor amendment (1569h) adopted.

Committee report adopted and ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. Bergin moved that the House reconsider its action whereby it ordered to third reading *SB 30*, establishing the Collaborative Practice for Emergency Contraception Act.

Rep. Hagan spoke in favor.

Rep. Bergin spoke against.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the motion for reconsideration.

YEAS 141 NAYS 204

YEAS 141

BELKNAP

Boyce, Laurie

Heald, Bruce

Tilton, Franklin

Whalley, Michael

Clark, Charles

Nedeau, Stephen

Tobin, William

Fitzgerald, James

Rosen, Ralph

Veazey, John

Flanders, Donald

Russell, David

Wendelboe, Fran

CARROLL

Ahlgren, Christopher

Chandler, Gene

Stevens, Stanley

CHESHIRE

Butynski, William

Hogancamp, Deborah

COOSKing, Frederick
Tholl, John Jr

Morneau, Renney

Richardson, Herbert

Stohl, Eric

GRAFTONGiuda, Robert
Sorg, GregoryIngbreton, Paul
Williams, Burton

Maybeck, Margie

Mirski, Paul

HILLSBOROUGHAdams, Jarvis IV
Biundo, Michael
Buhlman, David
Coughlin, Pamela
Elliott, Nancy
Goyette, Peter Jr
Hebert, Raymond
Jasper, Shawn
Martin, Mary Ellen
Moran, Edward
Renzullo, Andrew
Stepanek, Stephen
Wheeler, RobertBalboni, Michael
Boehm, Ralph
Carew, James
Crane, Elenore Casey
Francoeur, Bea
Hagan, Barbara
Hinkle, Peyton
L'Heureux, Robert
McRae, Karen
O'Brien, William
Rowe, Robert
Ulery, JordanBatula, Peter
Brassard, Paul
Christensen, D L Chris
Desmarais, Vivian
Gibson, John
Hansen, Ryan
Hirschmann, Keith
Lawrence, James
Mead, Robert
Pilotte, Maurice
Slocum, Lee
Villeneuve, MauriceBergeron, Jean-Guy
Brundige, Robert
Christiansen, Lars
Dyer, Donald
Gonzalez, Carlos
Hawkins, Ken
Infantine, William
Manney, Pamela
Mooney, Maureen
Reeves, Sandra
Souza, Kathleen
Wheeler, James**MERRIMACK**Currier, David
Oliver, JamesField, William
Reed, DennisKennedy, Richard
Whiting, Herbert

Langlais, Thomas

ROCKINGHAMAllen, Mary
Bishop, Franklin
Coburn, James
Dumaine, Dudley
Gillick, Thomas
Ingram, Russell
Katsakiores, George
Mason, April
Putnam, Ed II
Scamman, Stella
Weldy, Norman
Zolla, WilliamBelanger, Ronald
Cady, Harriet
Dodge, Robert
Fesh, Bob
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Quandt, Marshall Lee
Smith, Paul
Weyler, KennethBettencourt, David
Camm, Kevin
Dowd, John
Forsing, Robert
Headd, James
Itse, Daniel
Kobel, Rudolph
Nowe, Ronald
Quandt, Matthew
Waterhouse, Kevin
Wiley, RobertBicknell, Elbert
Carson, Sharon
Doyle, Christopher
Garrity, James
Hughes, Daniel
Johnson, Robert
Lund, Howie
Packard, Sherman
Rolston, James
Welch, David
Winchell, George**STRAFFORD**Albert, Russell
Cataldo, Sam
Newton, CliffordBerube, Roger
Chaplin, Duncan
Twombly, JamesCallaghan, Frank
Domingo, BaldwinCampbell, W Packy
Easson, Timothy**SULLIVAN**

Rodeschin, Beverly

NAYS 204**BELKNAP**

Allen, Janet

Millham, Alida

Morrison, Gail

Pilliod, James

CARROLLBabson, David Jr
Martin, James
Patten, BetseyBucu, Thomas
McConkey, MarkDickinson, Howard
Morrow, HarryKnox, J David
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Dunn, J Timothy
Foote, Sheila
Plifka, Stanley Jr
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Hunt, John
Pratt, John
Sawyer, Sheldon

Chase, William
Emerson, Susan
Mitchell, Bonnie
Richardson, Barbara
Tilton, Anna

Dexter, Judson
Espiefs, Peter
Parkhurst, Henry
Roberts, Kris
Weed, Charles

COOS

Mears, Edgar

Merrick, Scott

Remick, William

Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Sokol, Hilda

Barker, Robert
Eaton, Stephanie
McLeod, Martha
Solomon, Peter

Benn, Bernard
Gionet, Edmond
Mulholland, Catherine
Ward, John

Bleyler, Ruth
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Carlson, Donald
Clayton, William
DeVries, Betsi
Emerton, Larry
Garrity, Patrick
Graham, John
Holden, Randolph
Kopka, Angeline
Messier, Irene
Pappas, Christopher
Ryder, Donald
Smith, David
Velez, Hector

Beaulieu, Jane
Carter, Mark
Clemons, Jane
Dokmo, Cynthia
Essex, David
Ginsburg, Ruth
Haley, Robert
Irwin, Anne-Marie
Kurk, Neal
Michon, Stephen
Price, Pamela
Scanlon, Michael
Sullivan, Francis

Bergin, Peter
Chabot, Robert
Craig, James
Drisko, Richard
Foster, Linda
Golding, William
Hall, Betty
Jean, Claudette
Lasky, Bette
Movsesian, Lori
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

Calawa, Leon Jr
Chase, Claudia
Daniuk, Caitlin
Egbers, Fran
Gargasz, Carolyn
Goley, Jeffrey
Harvey, Suzanne
Kelly, Eugene Jr
Matarazzo, Anthony Sr
O'Connell, Timothy
Ross, Lawrence
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Kidder, David
MacKay, James
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Klose, John
Marple, Richard
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
L'Heureux, Stephen
Maxfield, Roy
Reardon, Tara
Tilton, Joy
Williams, Robert

Brueggemann, Donald
Foose, Robert
Hess, David
Lockwood, Priscilla
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Cooney, Richard
Flockhart, Eileen
Langley, Jane
Norelli, Terie
Priestley, Anne
Serlin, Christopher
Weare, E Albert

Asselin, Michael
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Francoeur, Sheila
Major, Norman
O'Neil, Michael
Rausch, James
Splaine, James
Wells, Roger

Blanchard, MaryAnn
Casey, Kimberley
Dowling, Patricia
Gould, Kenneth
McKinney, Betsy
Pantelakos, Laura
Robertson, Carl
Stiles, Nancy

Bridle, Russell
Charron, Gene
Flanders, John Sr
Hutchinson, Karen
Moody, Marcia
Powers, James
Sanders, Elisabeth
Stone, Joseph

STRAFFORD

Bickford, David
Cilley, Jacalyn
Grassie, Anne

Brown, Jennifer
Creteau, Irene
Hilliard, Dana

Brown, Julie
Dunlap, Patricia
Hofemann, Roland

Brown, Lawrence
Goodwin, Earle
Johnson, Nancy

Keans, Sandra
Rous, Emma
Spang, Judith

Knowles, William
Schmidt, Peter
Taylor, Kathleen

Miller, Joseph
Smith, Marjorie
Wall, Janet

Rollo, Michael
Snyder, Clair

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

and reconsideration failed.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 1, 2005 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HJR 3, supporting the Portsmouth Naval Shipyard.

SB 66, establishing a committee to study the creation of a northern New England purchasing alliance for small business health insurance.

SB 77, relative to the review of proposed health care provider contracts.

SB 78, relative to payment of health care providers by health carriers.

SB 46, relative to the duties of law enforcement officials upon receiving reports of missing adults.

SB 17, relative to the definition of educational institution for the purpose of higher education loans.

SB 187, relative to allowing alternative certified hazardous waste coordinator programs.

SB 19, relative to qualifications to sell lottery, bingo and lucky 7 tickets.

SB 153-FN, relative to the administration of certain programs by the department of environmental services.

SB 53-FN, relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operations officer to chief financial officer in the department of environmental services.

SB 43, relative to the administration of estates of persons presumed dead.

SB 28, relative to confidentiality and workers' compensation.

SB 188, relative to the construction of buildings on properties without street frontage.

SB 215-FN, creating a committee to study banning the incineration of construction and demolition debris.

SCR 2, relative to reauthorization of the Transportation Equity for the 21st Century Act (TEA-21).

SJR 2, urging Congress to reject the Streamlined Sales Tax Project.

SB 86, permitting on-site samples and retail sales by liquor manufacturer licensees.

SB 150-FN, relative to application fees for certain bank incorporations.

SB 152-FN, relative to audits by the department of revenue administration of enhanced 911 charges and relative to the confidentiality of information collected by the department of safety regarding the surcharge for enhanced 911 system.

SB 165-FN, relative to the collection of tax debts from out-of-state debtors.

SB 30, establishing the Collaborative Practice for Emergency Contraception Act.

SB 124, relative to the regulation of real estate brokers by the real estate commission.

SB 186, allowing probate court judges and district court justices to sit on probate or district court cases.

SB 11-FN, extending the local property tax exemption for wooden poles and conduits.

SB 85, relative to expenses of operating bingo games.

SB 105, granting the executive director of fish and game authority to promote hunting, fishing, and wildlife-related activities.

SB 93-FN, transferring the electricians' board to the department of safety.

SB 192, relative to service in a war or conflict qualifying for the veterans' tax credit.

SB 83, establishing a commission to study issues relative to the comprehensive shoreland protection act.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.
Adopted.

The House recessed at 4:35 p.m.

RECESS

(Speaker Scamman in the Chair)

COMMITTEE CHANGES

Rep. Robert W. Wiley off the Committee on Resources, Recreation and Development.

Rep. David J. Bettencourt off the Committee on Children and Family Law; on the Committee on Resources, Recreation and Development.

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 17

Wednesday, June 1, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Karen D. Maleri, Director of Pastoral Care at Havenwood-Heritage Heights in Concord.

We pray to all that is holy and we ask a blessing on this moment. May each heart, here present, be filled with a sense of all that holiness lavishly imparts. St. Francis of Assisi was quoted as saying, "Preach the gospel often — and use words when necessary." That transformed over time into "Pray often and use words, if needed." Actions can be prayers, and prayers can take action.

For you who serve in the House today as you deal with amendments, expedient legislation and issues that demand ethical solutions, bear in mind the power of prayer. May each one of you draw energy and comfort from prayer, either those said for you or those you pray, through stirring words or through rightful actions. Amen.

Rep. James E. Wheeler led the Pledge of Allegiance.

The National Anthem was sung by Christina Gagne, a sophomore from Concord High School.

LEAVES OF ABSENCE

Reps. Albert, Alger, Lessard, Palangas and Rochette, the day, illness.

Reps. Aboshar, Bergin, Bishop, David Campbell, Gilbert, Gionet, Heald, Hilliard, Manning, Moody, Morris, Osborne, Plifka, Marshall Lee Quandt, Matthew Quandt, Reeves, Ross, Serlin, Peter Sullivan and Wiley, the day, important business.

Rep. Pilotte, the day, death in the family.

INTRODUCTION OF GUESTS

Page for the Day, Sara Pope, 8th grade student at Claremont Middle School. Gail Gagne, mother of the singer, guest of the House. Doris Williams and Hannah Ruddy, wife and granddaughter of Rep. Robert Williams. Scott Pope, guest of Rep. Irish. John Lunn, guest of Rep. Franklin. Hon. Emile Beaulieu, father of Rep. Beaulieu. Elena Wilson, daughter of Rep. Claudia Chase. Justin Ober, grandson of Rep. Ober. Lisa Tuthill, guest of Rep. Thomas. Elaine Ryan, Julie King and Bob Therrien, guests of Reps. Carolyn Brown, Chandler and Dickinson.

INTRODUCTION OF SPECIAL GUESTS

The 2005 National Transportation and Civil Engineering Team, students Kaiti Tuthill, Trask Roberts and Jaqui Tuthill. Their design of a new runaway truck was judged by 50 chief engineers and was awarded top honors. Their coach, Randy Wormald, named a Disney Teacher for 2005 and Teacher of the Year by the New Hampshire Department of Education, accompanied the students. The Speaker presented each with a Declaration from the House.

SENATE MESSAGES

REQUESTS FOR CONCURRENCE WITH AMENDMENTS

HB 214, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings. (Amendment printed SJ 05/19/05)

Rep. McRae moved that the House concur and spoke in favor.

Adopted.

HB 430-FN-A, establishing a one-day resident fishing license. (Amendment printed SJ 5/12/05)

Reps. Robert L'Heureux and Major moved that the House concur.

Rep. Robert L'Heureux spoke in favor and yielded to questions.

Adopted.

HB 421, relative to effective dates. (Amendment printed SJ 05/19/05)

Rep. Hunt moved that the House concur, spoke in favor and yielded to questions.

On a division vote, 241 members having voted in the affirmative and 103 in the negative, the motion was adopted.

HB 288-FN, establishing a commission to effect the process for the town of Killington, Vermont to become part of the state of New Hampshire. (Amendment printed SJ 05/19/05)

Rep. Hunt moved that the House concur and spoke in favor.

On a division vote, 205 members having voted in the affirmative and 139 in the negative, the motion was adopted.

HB 260-FN, relative to motor vehicle equipment and registration. (Amendment printed SJ 05/19/05)

Reps. Packard and Major moved that the House concur.

Rep. Packard spoke in favor.

Adopted.

HB 472, relative to the definition of recreational program. (Amendments printed SJ 04/28/05 and 05/19/05)

Rep. Dalrymple moved that the House concur and spoke in favor.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 60, 206, 229, 311, 408, 447, and 687 and Senate Bills numbered 20, 40, 57, 58, 87, 117, 120, 141, 167, 189, 202, 208, 212, 219 and 227.

Rep. Currier, Sen. D'Allesandro for the Committee

LEGISLATIVE ETHICS COMMITTEE SPECIAL REPORT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES REGARDING COMPLAINT #2004-2

I. Introduction

The Legislative Ethics Committee received a complaint in October of 2004 regarding the conduct of Representative Gene Chandler with respect to certain gifts made to him in connection with a series of "corn roasts" held each fall.¹ The complaint was made by two other members of the House of Representatives, alleging that the solicitation and receipt of such cash gifts violated the Legislative Ethics Guidelines.²

Following a review of the complaint, the Committee, in accordance with its procedural rules, conducted an extensive preliminary investigation and voted unanimously to initiate formal proceedings to inquire into the complaint. A formal statement of charges and notice of hearing was sent by certified mail to Representative Chandler on November 29, 2004, and a hearing was held before the Committee on May 20, 2005.³ Representative Chandler formally answered the statement of charges, and appeared at the hearing to testify and present other evidence through his counsel.

II. Charges

The Committee charged Representative Chandler with violations of the Ethics Guidelines, including:

Engaging in Prohibited Activities as set forth in Section 4, Paragraph 1, Subparagraph (b), by soliciting, accepting or agreeing to accept gifts with an aggregate value of over \$250 from others while knowing or believing that the givers were or were likely to become interested in matters pending before the Legislature.

Engaging in Prohibited Activities as set forth in Section 4, Paragraph III, by using his public position or office to obtain gifts with an aggregate value of over \$250 for his private benefit. Failing to comply with the provisions of RSA Chapter 15-B, by disregarding the legal obligation to report gifts in excess of \$50 received by him while serving in the Legislature.

All of the above would also constitute a breach of the ethical standards set forth in the Principles of Public Service, I, II and III, as set forth in Section I of the Ethics Guidelines.

¹ At the time of the complaint, Representative Chandler was then serving his second term as Speaker of the House.

² A subsequent complaint was received from a member of the public regarding the same conduct, which was dismissed as being redundant to this complaint.

³ The hearing was originally scheduled for January 13, 2005. It was delayed by agreement with Representative Chandler while awaiting the completion of the related investigation by the New Hampshire Attorney General.

With respect to the first two specific charges, Representative Chandler's answer, as well as his position as articulated at the hearing, is that the applicable provisions of the Ethics Guidelines are invalid because they are in conflict with certain statutes.⁴

With respect to the third charge, Representative Chandler acknowledges the violation, as demonstrated by his guilty plea to a misdemeanor charge arising out of this conduct, but argues that the penalty imposed in the criminal proceeding is a sufficient sanction rendering unnecessary any further action by this Committee.

III. Findings

The facts underlying the charges in this proceeding are largely undisputed. Representative Chandler has served in the House of Representatives for many terms, rising to a position of leadership and eventually Speaker of the House. For seven years, beginning in the fall of 1998, Representative Chandler solicited and received substantial cash gifts from various businesses, lobbyists, and individuals in connection with an annual corn roast. The corn roast was organized by a committee of Representative Chandler's "friends". The purpose of the fund raiser was to make it possible for Representative Chandler, in light of the time required to fulfill his various leadership positions, to continue to serve in the Legislature. Representative Chandler testified that without additional funds to supplement his income, he would have been unable to financially manage his legislative demands.⁵ Although the price of tickets to the corn roast was \$10.00, gifts of larger amounts were encouraged. In fact, gifts of up to \$1000 were received.

Prior to the first event in 1998, one of the organizers contacted the Secretary of State to determine whether the committee of friends needed to register or take any other action. The Secretary's response was ultimately set forth in a letter dated July 31, 1998. Although the letter advised that the friends committee need not register or make any report, it did state the following: "Enclosed is a copy of the Gifts, Testimonials, and Honorariums Law and the form that needs to be filed once a year by an individual who gets the net proceeds from an event like you have explained." (emphasis added)

Representative Chandler was made aware of this letter. Despite receiving the proceeds from the corn roasts, he did not interpret the quoted provision as requiring him to report receipt of the funds in accordance with RSA Chapter 15-B, because members of the friends committee did not have to report and he considered himself to be a member.⁶

In 1998, as in subsequent years, the flyers promoting the corn roasts were mailed to registered lobbyists and others having an interest in pending or contemplated legislation, and North Country individuals who knew Representative Chandler. In some years, the flyers included reference to significant legislative issues which would be addressed in the upcoming session. Representative Chandler testified that he was aware of the content of the flyers prior to being sent and that he maintained the mailing list from year to year. The proceeds of the corn roast were turned over to Representative Chandler, who had the sole discretion over how the funds were spent.

The Friends of Gene Chandler Committee had no formal legal identity. There were few, if any, formal meetings of the Committee members. Although it had bank accounts established under its name, the tax identification number was Representative Chandler's Social Security number and he had sole check writing authority. Representative Chandler acknowledged that he was actively involved in the fundraising efforts of the Committee which were directed toward his personal benefit.

Representative Chandler did not conceal the fact that he was engaging in this fund raising activity. The corn roasts were public events which were reported on by the press and the flyers made it clear that the proceeds were to be used for the benefit of Representative Chandler. The Committee found no evidence that Representative Chandler used legislative resources to raise funds or that any donor received any specific benefit as a result of making a corn roast gift.

With the exception of a filing under RSA 15-B in 1999, which was made at the insistence of the then Speaker of the House Donna Sytek, as communicated to Representative Chandler by her

⁴ In this regard, Representative Chandler moved, through counsel at the hearing, to dismiss these charges; as set forth in this Report, the Committee has concluded that these guideline provisions are valid, and accordingly, the motion to dismiss is denied.

⁵ Representative Chandler has always maintained that these funds were used for personal expenses, such as mortgage payments, transportation expenses, and laundry bills. The point of his assertion is that the funds were not used for luxury purposes, but this does not change the nature of the violations. In fact, it might well be thought that an elected official may be more beholden to those funding his necessary living expenses, than to those who might provide funds for luxury purposes.

⁶ The flyers promoting the annual corn roast generally set forth the membership of the friends committee, but did not include Representative Chandler.

Deputy, Donnalee Lozeau, Representative Chandler did not report receipt of the gifts he received each year, many of which exceeded \$250 per donor. In his written and oral testimony, Representative Chandler made clear that prior to these issues arising in the fall of 2004, he was not familiar with the \$250 per year per donor limitation set forth in the Ethics Guidelines.

IV. Analysis

After considering the testimony and documentary evidence entered at the hearing, the Committee has determined, by a clear and convincing standard, that each of the charges is true. With respect to each charge, the Committee's analysis is as follows:

1. Prohibited Activities, Section 4, Paragraph I, Subparagraph (b).

Representative Chandler concedes that he solicited, accepted, and agreed to accept gifts with an aggregate value of over \$250 from others, while knowing or believing that the givers were or were likely to become interested in matters pending before the Legislature. In addition to his initial response that he was unaware of the \$250 limitation, his defense is simply that his activities were otherwise lawful and therefore the guideline provision is invalid because it is inconsistent with RSA Chapter 15-B, as interpreted by a 1998 Opinion of the Attorney General. The Committee disagrees.

First, we deal here with ethics guidelines, rules of conduct adopted by the Legislature to impose limitations on its own members. This Committee was created, and these guidelines proposed and adopted, to provide standards of behavior for legislators in ethical matters, and to increase public confidence in the independence and integrity of the legislative process.⁷ These are not criminal code violations subject to restrictive interpretation and "beyond a reasonable doubt" prosecution by law enforcement authorities. Accordingly, it is not appropriate to engage in complex analysis or technical argument to defend non-compliance with the Ethics Guidelines.⁸

Second, engagement in such a comparative examination of the various statutes, Attorney General Opinion, and guideline provisions does not reveal any such invalidity. RSA Chapter 14-B authorizes and directs the promulgation of ethics guidelines which are "consistent" with other statutes. Although Representative Chandler argues that, given the Attorney General's Opinion that RSA Chapter 15-B implicitly repeals the application of RSA 640:5 (gifts to public officials) with respect to such gifts that are reported, this does not prevent the Legislature from imposing a limitation on its own members with respect to the receipt of such gifts. There was nothing "inconsistent" in doing so, and this initiative constituted an admirable response to public concern about the impact, real or perceived, of such gifts on the legislative process.

It is certainly within the authority of the Legislature to establish higher standards of behavior for its members than the minimum standards of the criminal law. It is also within the authority of the Legislature to expect and enforce compliance with those standards, otherwise, they are meaningless words. It is the responsibility of each member of the Legislature to understand, comply with and defend the standards of ethical conduct which have been properly adopted by the membership.

Accordingly, this charge has been proved as a matter of fact, as a matter of law, and as a matter of general ethical standards expected of members of the New Hampshire Legislature.

2. Prohibited Activities, Section 4, Paragraph III.

Representative Chandler used his public position or office, first when he was a member of the House leadership team, and eventually as Speaker of the House, to obtain gifts with an aggregate value of over \$250 for his private benefit. The same analysis applies to this charge as the preceding one, with the additional observation that there is no doubt that the lobbyists and business corporations with regular business with, and interest in the actions of the Legislature, donated these substantial sums of cash to Representative Chandler because of his leadership positions. In addition, notwithstanding suggestions made at times during the course of these proceedings, there was no evidence received by the Committee that any other member of the Legislature engaged in a conscious and concerted effort to solicit cash gifts for personal benefit from individuals or organiza-

⁷ The same motivation obviously prompted the adoption of RSA Chapter 15-B in 1987, in particular to require public disclosure of testimonial proceeds.

⁸ This is particularly so given Representative Chandler's alleged ignorance of the provision at the time the substantial funds were being raised, received, and used.

tions with interests in legislation pending before the Legislature since the adoption of the Ethics Guidelines.⁹ This appears to be an isolated instance, and not indicative of any "culture" in the New Hampshire Legislature.

Finally, in the course of his defense, Representative Chandler seemed to cast blame on the Office of the Attorney General for failing to regularly review RSA 15-B filings in accordance with its obligation under RSA 15-B:6.¹⁰ Through his counsel he also noted that the Office of the Secretary of State made little effort to see that legislators comply with filing requirements. In addition, he pointed out that the Legislature has no "ethics officer". Whether these criticisms are justified or not, they are no defense. It is the duty of each member of the Legislature to understand and comply with his or her ethical responsibilities. Attempting to blame others for one's failure to comply with established ethical standards is inconsistent with the purpose and spirit of the Ethics Guidelines.

Accordingly, this charge has been proved by clear and convincing evidence.

3. Failure to Report in Accordance with RSA Chapter 15-B.

As noted, this violation was the subject of a criminal prosecution, in which Representative Chandler pled guilty. Accordingly, no extended analysis is required to find that the charge has been proved by clear and convincing evidence.

V. Conclusion

Having determined that the specific charges are true by clear and convincing evidence and thus also the breach of ethical standards set forth in the Principles of Public Service, Section 1, Paragraphs I, II, and III, the remaining, and most significant task of the Committee is a recommended sanction.¹¹ These violations are serious in and of themselves, but made even more so because they were committed by a member of leadership, and have caused substantial public concern regarding the independence and integrity of the legislative process. This is not surprising, in view of the large sums paid by those having an interest in the workings of the Legislature to an individual having substantial control over such workings, all without public scrutiny. Accepting Representative Chandler's assertions, it is not, in the view of the Committee, a mitigating circumstance that he was unaware of the guideline provisions, but is more likely an aggravating condition, as these provisions have been reviewed and adopted by the Legislature. To have the leader of the institution claim ignorance of them creates even more cynicism and distrust of the process. The violations create an aura of suspicion as to other public officials, an erroneous and unfortunate assumption, given the hard work done by all other members of the Legislature. If nothing else, the receipt of tens of thousands of dollars in cash gifts from those having a great stake in his legislative action should have raised a red flag sufficient to create an ethical concern.¹² To the contrary, in his testimony, Representative Chandler made clear that, he thought it was legal, and that made it permissible. The Ethics Guidelines establish a higher standard, and the members of the public expect and deserve more.

Based on all of the circumstances, the Committee unanimously recommends that Representative Chandler be expelled from the House of Representatives for the remainder of the 2005-2006 term of office. To do otherwise would demean the ethical standards established by the Legislature for its membership. Representative Chandler chose to solicit and take financial gifts from donors who had business before the Legislature. He may have been unaware of the guideline requirements or he may have disregarded them. Either circumstance is equally egregious. It is an honor to be chosen to serve in the Legislature and one must take his or her ethical duties seriously. That includes knowing and complying with accepted standards of ethical conduct. This is especially true when the member holds the highest leadership position. The Committee recognizes that Represen-

⁹ There are fund raising events which are organized by other legislators, but the proceeds benefit candidates or political committees which have a duty to report both receipts and expenditures.

¹⁰ The Attorney General's office testified that it did not have the resources to regularly monitor compliance with the RSA 15-B requirement.

¹¹ In considering sanction, the Committee is cognizant of Representative Chandler's long service in the Legislature, as well as personal losses he has suffered in the recent past. The focus, however, of the Committee's attention must be the nature of the violations, and their impact on the Legislature and the public.

¹² For instance, Representative Chandler received substantial contributions from tobacco, health care, telecommunications, banking, insurance, construction and other interests.

tative Chandler has had a distinguished public career and that he has many supporters. But, this violation of the ethics guidelines warrants a severe punishment, and he should not be accorded special treatment in its administration.

Dated at Concord, New Hampshire, this 25th day of May, 2005.

Respectfully submitted,
 Edward M. Gordon, Chairman
 Representative Larry Ross
 Representative Janet G. Wall, Vice Chairman
 Senator Joseph A. Foster
 Russell F. Hilliard
 Senator Sheila Roberge
 Kimon Zachos

CONSIDERATION OF ETHICS COMMITTEE REPORT

Rep. Jasper moved that the House make consideration of the Ethics Committee Report a Special Order for Wednesday, June 8, 2005.

Reps. Jasper and Buzzell spoke in favor and yielded to questions.

Reps. O'Neil and Sheila Francoeur spoke against.

Reps. McMahon, Solomon and Pratt spoke in favor.

Rep. Sheila Francoeur requested a roll call; sufficiently seconded.

The question being adoption of the motion to Special Order consideration of the Ethics Committee report to June 8, 2005.

YEAS 149 NAYS 205

YEAS 149

BELKNAP

Millham, Alida

Morrison, Gail

Tobin, William

CARROLL

Babson, David Jr

CHESHIRE

Butcher, Suzanne

Butynski, William

Chase, William

Dexter, Judson

Dunn, J Timothy

Eaton, Daniel

Hogancamp, Deborah

Parkhurst, Henry

Pratt, John

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Tilton, Anna

Weed, Charles

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

GRAFTON

Almy, Susan

Andersen, Gene

Benn, Bernard

Bleyler, Ruth

Ham, Bonnie

Hammond, Lee

Harding, A Laurie

McLeod, Martha

Mulholland, Catherine

Nordgren, Sharon

Sokol, Hilda

Solomon, Peter

HILLSBOROUGH

Allan, Nelson

Baroody, Benjamin

Beaulieu, Jane

Brassard, Paul

Carter, Mark

Chabot, Robert

Chase, Claudia

Clemons, Jane

Cote, David

Craig, James

Daniuk, Caitlin

DeVries, Betsi

Dokmo, Cynthia

Egbers, Fran

Essex, David

Foster, Linda

Garrity, Patrick

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haley, Robert

Hall, Betty

Hinkle, Peyton

Holden, Randolph

Irwin, Anne-Marie

Jasper, Shawn

Jean, Claudette

Johnson, Paula

Lasky, Bette

Martin, Mary Ellen

Matarazzo, Anthony Sr

McRae, Karen

Messier, Irene

Michon, Stephen

Moran, Edward

Movsesian, Lori

Pappas, Christopher

Rosenwald, Cindy

Schulze, Joan

Shaw, Barbara

Sullivan, Francis

Velez, Hector

Wheeler, James

MERRIMACK

Blanchard, Elizabeth
 Foose, Robert
 Hamm, Christine
 Potter, Frances
 Tilton, Joy
 Williams, Robert

Bouchard, Candace
 French, Barbara
 Lockwood, Priscilla
 Rush, Deanna
 Tupper, Frank
 Yeaton, Charles

Danforth, James
 Gile, Mary
 McMahon, Patricia
 Ryan, Jim
 Wallner, Mary Jane

DeJoie, John
 Hager, Elizabeth
 Oliver, James
 Shurtleff, Stephen
 Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
 Buxton, Donald
 Cooney, Richard
 Hopfgarten, Paul
 Norelli, Terie
 Robertson, Carl

Allen, Mary
 Cali-Pitts, Jacqueline
 DiFruscia, Anthony
 Hughes, Daniel
 Pantelakos, Laura
 Splaine, James

Asselin, Michael
 Camm, Kevin
 Flockhart, Eileen
 Langley, Jane
 Powers, James
 Weyler, Kenneth

Blanchard, MaryAnn
 Casey, Kimberley
 Forsing, Robert
 Moore, Benjamin
 Putnam, Ed II

STRAFFORD

Brown, Jennifer
 Cilley, Jacalyn
 Grassie, Anne
 Knowles, William
 Smith, Marjorie

Brown, Julie
 Creteau, Irene
 Heon, Richard
 Rollo, Michael
 Snyder, Clair

Brown, Lawrence
 Domingo, Baldwin
 Kaen, Naida
 Rous, Emma
 Spang, Judith

Chaplin, Duncan
 Dunlap, Patricia
 Keans, Sandra
 Schmidt, Peter
 Taylor, Kathleen

SULLIVAN

Cloutier, John
 Houde-Quimby, Charlotte

Donovan, Thomas
 Jillette, Arthur Jr

Ferland, Brenda
 Phinify, James

Franklin, Peter
 Rodeschin, Beverly

NAYS 205**BELKNAP**

Allen, Janet
 Flanders, Donald
 Russell, David
 Wendelboe, Fran

Boyce, Laurie
 Nedeau, Stephen
 Thomas, John
 Whalley, Michael

Clark, Charles
 Pilliod, James
 Tilton, Franklin

Fitzgerald, James
 Rosen, Ralph
 Veazey, John

CARROLL

Ahlgren, Christopher
 Knox, J David
 Olimpio, J Lisbeth

Brown, Carolyn
 Martin, James
 Patten, Betsey

Buco, Thomas
 McConkey, Mark
 Philbrick, Donald

Dickinson, Howard
 Merrow, Harry
 Stevens, Stanley

CHESHIRE

Allen, Peter
 Hunt, John

Emerson, Susan
 Mitchell, Bonnie

Espiefs, Peter
 Pelkey, Stephen

Foote, Sheila
 Sawyer, Sheldon

COOS

King, Frederick
 Stohl, Eric

Morneau, Renney
 Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Barker, Robert
 Maybeck, Margie
 Ward, John

Cooney, Mary
 Mirski, Paul
 Williams, Burton

Eaton, Stephanie
 Naro, Debra

Ingbretson, Paul
 Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
 Biundo, Michael
 Calawa, Leon Jr
 Christiansen, Lars
 Desmarais, Vivian
 Emerton, Larry
 Gonzalez, Carlos
 Hansen, Ryan
 Hellwig, Steve

Balboni, Michael
 Boehm, Ralph
 Carew, James
 Cote, Peter
 Drisko, Richard
 Gargas, Carolyn
 Goyette, Peter Jr
 Harvey, Suzanne
 Hirschmann, Keith

Barry, J Gail
 Brundige, Robert
 Carlson, Donald
 Coughlin, Pamela
 Dyer, Donald
 Gibson, John
 Graham, John
 Hawkins, Ken
 Hunter, Bruce

Bergeron, Jean-Guy
 Buhlman, David
 Christensen, D L Chris
 Crane, Elenore Casey
 Elliott, Nancy
 Golding, William
 Hagan, Barbara
 Hebert, Raymond
 Infantine, William

Kelly, Eugene Jr
Lawrence, James
Mooney, Maureen
Pepino, Leo
Ryder, Donald
Smith, David
Ulery, Jordan

Kopka, Angeline
Lefebvre, Roland
O'Brien, William
Price, Pamela
Scanlon, Michael
Souza, Kathleen
Vaillancourt, Steve

Kurk, Neal
Manney, Pamela
O'Connell, Timothy
Renzullo, Andrew
Shaw, Kimberly
Stepanek, Stephen
Villeneuve, Maurice

L'Heureux, Robert
Mead, Robert
Ober, Lynne
Rowe, Robert
Slocum, Lee
Tahir, Saghir
Wheeler, Robert

MERRIMACK

Anderson, Eric
Greco, Vincent
Klose, John
Marple, Richard
Reed, Dennis

Clarke, Claire
Hess, David
L'Heureux, Stephen
Maxfield, Roy
Whiting, Herbert

Currier, David
Kennedy, Richard
Langlais, Thomas
Owen, Derek

Field, William
Kidder, David
MacKay, James
Reardon, Tara

ROCKINGHAM

Belanger, Ronald
Carson, Sharon
Dodge, Robert
Dumaine, Dudley
Garrity, James
Headd, James
Itse, Daniel
Katsakiores, Phyllis
Mason, April
O'Neil, Michael
Rausch, James
Smith, Paul
Weare, E Albert
Winchell, George

Bettencourt, David
Charron, Gene
Dowd, John
Fesh, Bob
Gllick, Thomas
Hutchinson, Karen
Johnson, Robert
Kobel, Rudolph
McKinney, Betsy
Packard, Sherman
Rolston, James
Stiles, Nancy
Welch, David
Zolla, William

Bicknell, Elbert
Coburn, James
Dowling, Patricia
Flanders, John Sr
Gould, Kenneth
Ingram, Russell
Johnson, Rogers
Lund, Howie
McMahon, Charles
Palazzo, Frank
Sanders, Elisabeth
Stone, Joseph
Weldy, Norman

Bridle, Russell
Dalrymple, Janeen
Doyle, Christopher
Francoeur, Sheila
Griffin, Mary
Introne, Robert
Katsakiores, George
Major, Norman
Nowe, Ronald
Priestley, Anne
Scamman, Stella
Waterhouse, Kevin
Wells, Roger

STRAFFORD

Berube, Roger
Cataldo, Sam
Hollinger, Jeffrey
Taylor, Katherine

Bickford, David
Easson, Timothy
Johnson, Nancy
Twombly, James

Callaghan, Frank
Goodwin, Earle
Miller, Joseph
Wall, Janet

Campbell, W Packy
Hofemann, Roland
Newton, Clifford

SULLIVAN

Converse, Larry

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

and the motion to Special Order failed.

The question now being the ratification of the Ethics Committee report with the recommendation that Rep. Chandler be expelled from the House for the remainder of the 2005-2006 term of office. Rep. Jasper spoke in favor and yielded to questions.

Reps. O'Neil, O'Brien, Sheila Francoeur, Carolyn Brown, Mirski, King, Rowe, Welch, Patten, Stepanek, Tahir, Hagan, Paul Smith, Itse, Emerson, Stephanie Eaton, Kennedy, Pepino, Soltani and Whalley spoke against.

Rep. Hirschmann spoke against and yielded to questions.

Reps. DiFruscia, Craig, Moore, Weed, DeJoie, Lockwood, Hall, Timothy Robertson, Pantelakos, and Weyler spoke in favor.

The following members non-spoke against:

Reps. Janet Allen, Babson, Bettencourt, Bicknell, Boyce, Bridle, Calawa, Carson, Chris Christensen, Lars Christiansen, Charles Clark, Currier, Dalrymple, Danforth, Dickinson, Drisco, Dowd, Dyer, Easson, Emerton, John Flanders, Gale, Gibson, Goyette, Griffin, Headd, Hess, Hinkle, Hogancamp, Hunt, Ingbertson, Introne, Irish, George Katsakiores, Phyllis Katsakiores, Kurk, Robert L'Heureux, Stephen, L'Heureux, MacKay, Major, James Martin, Maybeck, Mead, Merrow, Nowe, Packard, Rausch, Reed, Russell, Scanlon, Sorg, Souza, Stohl, Stone, Thomas, Frank Tilton, Ulery, and Wendelboe.

Rep. John Flanders moved the previous question.

Adopted.

Rep. O'Neil requested a roll call; sufficiently seconded.

The question being the ratification of the Ethics Committee report.

YEAS 172 NAYS 189**YEAS 172
BELKNAP**

Millham, Alida

Morrison, Gail

Rosen, Ralph

Tobin, William

CARROLL

Knox, J David

CHESHIRE

Allen, Peter

Dexter, Judson

Foote, Sheila

Richardson, Barbara

Tilton, Anna

Butcher, Suzanne

Dunn, J Timothy

Mitchell, Bonnie

Roberts, Kris

Weed, Charles

Butynski, William

Eaton, Daniel

Parkhurst, Henry

Robertson, Timothy

Chase, William

Espiefs, Peter

Pratt, John

Sawyer, Sheldon

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan

Cooney, Mary

McLeod, Martha

Solomon, Peter

Andersen, Gene

Ham, Bonnie

Mulholland, Catherine

Williams, Burton

Benn, Bernard

Hammond, Lee

Nordgren, Sharon

Bleyler, Ruth

Harding, A Laurie

Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin

Clemons, Jane

Daniuk, Caitlin

Essex, David

Gorman, Mary

Holden, Randolph

Kopka, Angeline

Matarazzo, Anthony Sr

Pappas, Christopher

Shaw, Kimberly

Beaulieu, Jane

Cote, David

Desmarais, Vivian

Foster, Linda

Haley, Robert

Irwin, Anne-Marie

Lasky, Bette

Messier, Irene

Rosenwald, Cindy

Smith, David

Carlson, Donald

Cote, Peter

DeVries, Betsi

Garrity, Patrick

Hall, Betty

Jasper, Shawn

Lefebvre, Roland

Michon, Stephen

Schulze, Joan

Sullivan, Francis

Chase, Claudia

Craig, James

Egbers, Fran

Ginsburg, Ruth

Harvey, Suzanne

Johnson, Paula

Martin, Mary Ellen

O'Connell, Timothy

Shaw, Barbara

Velez, Hector

MERRIMACK

Blanchard, Elizabeth

DeJoie, John

Greco, Vincent

Langlais, Thomas

Potter, Frances

Tilton, Joy

Williams, Robert

Bouchard, Candace

Foote, Robert

Hager, Elizabeth

Lockwood, Priscilla

Rush, Deanna

Tupper, Frank

Brueggemann, Donald

French, Barbara

Hamm, Christine

McMahon, Patricia

Ryan, Jim

Wallner, Mary Jane

Clarke, Claire

Gile, Mary

Kidder, David

Owen, Derek

Shurtleff, Stephen

Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis

Camm, Kevin

DiFruscia, Anthony

Hopfgarten, Paul

Mason, April

Powers, James

Weldy, Norman

Asselin, Michael

Casey, Kimberley

Fesh, Bob

Hughes, Daniel

Moore, Benjamin

Putnam, Ed II

Wells, Roger

Blanchard, MaryAnn

Charron, Gene

Flockhart, Eileen

Langley, Jane

Norelli, Terie

Robertson, Carl

Weyler, Kenneth

Cali-Pitts, Jacqueline

Cooney, Richard

Gould, Kenneth

Lund, Howie

Pantelakos, Laura

Splaine, James

Zolla, William

STRAFFORD

Brown, Jennifer

Campbell, W Packy

Creteau, Irene

Brown, Julie

Cataldo, Sam

Domingo, Baldwin

Brown, Lawrence

Chaplin, Duncan

Dunlap, Patricia

Callaghan, Frank

Cilley, Jacalyn

Goodwin, Earle

Grassie, Anne
Kaen, Naida
Schmidt, Peter
Taylor, Katherine

Heon, Richard
Keans, Sandra
Smith, Marjorie
Taylor, Kathleen

Hofemann, Roland
Rollo, Michael
Snyder, Clair
Wall, Janet

Johnson, Nancy
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Pinizy, James

Converse, Larry
Houde-Quimby, Charlotte
Prichard, Stephen

Donovan, Thomas
Jillette, Arthur Jr
Rodeschin, Beverly

Ferland, Brenda
Osgood, Philip Sr

NAYS 189

BELKNAP

Allen, Janet
Flanders, Donald
Thomas, John
Whalley, Michael

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Pilliod, James
Veazey, John

Fitzgerald, James
Russell, David
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Olimpio, J Lisbeth

Babson, David Jr
Martin, James
Patten, Betsey

Brown, Carolyn
McConkey, Mark
Philbrick, Donald

Buco, Thomas
Merrow, Harry
Stevens, Stanley

CHESHIRE

Emerson, Susan

Hogancamp, Deborah

Hunt, John

Pelkey, Stephen

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

GRAFTON

Barker, Robert
Naro, Debra

Eaton, Stephanie
Sorg, Gregory

Maybeck, Margie
Ward, John

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Brassard, Paul
Carew, James
Christiansen, Lars
Drisko, Richard
Francoeur, Bea
Goley, Jeffrey
Hagan, Barbara
Hellwig, Steve
Infantine, William
L'Heureux, Robert
Mead, Robert
O'Brien, William
Renzullo, Andrew
Slocum, Lee
Ulery, Jordan
Wheeler, Robert

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Coughlin, Pamela
Dyer, Donald
Gargas, Carolyn
Gonzalez, Carlos
Hansen, Ryan
Hinkle, Peyton
Jean, Claudette
Lawrence, James
Mooney, Maureen
Ober, Lynne
Rowe, Robert
Souza, Kathleen
Vaillancourt, Steve

Balboni, Michael
Biundo, Michael
Buhlman, David
Chabot, Robert
Crane, Elenore Casey
Elliott, Nancy
Gibson, John
Goyette, Peter Jr
Hawkins, Ken
Hirschmann, Keith
Kelly, Eugene Jr
Manney, Pamela
Moran, Edward
Pepino, Leo
Ryder, Donald
Stepanek, Stephen
Villeneuve, Maurice

Barry, J Gail
Boehm, Ralph
Calawa, Leon Jr
Christensen, D L Chris
Dokmo, Cynthia
Emerton, Larry
Golding, William
Graham, John
Hebert, Raymond
Hunter, Bruce
Kurk, Neal
McRae, Karen
Movsesian, Lori
Price, Pamela
Scanlon, Michael
Tahir, Saghir
Wheeler, James

MERRIMACK

Anderson, Eric
Field, William
L'Heureux, Stephen
Oliver, James
Whiting, Herbert

Currier, David
Hess, David
MacKay, James
Reardon, Tara
Yeaton, Charles

Danforth, James
Kennedy, Richard
Marple, Richard
Reed, Dennis

DeStefano, Stephen
Klose, John
Maxfield, Roy
Soltani, Tony

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Buxton, Donald	Cady, Harriet	Carson, Sharon
Coburn, James	Dalrymple, Janeen	Dodge, Robert	Dowd, John
Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gillick, Thomas
Griffin, Mary	Headd, James	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Major, Norman
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Priestley, Anne	Rausch, James
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Smith, Paul
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Winchell, George		

STRAFFORD

Berube, Roger	Bickford, David	Easson, Timothy	Hollinger, Jeffrey
Knowles, William	Newton, Clifford	Twombly, James	

SULLIVAN

Gale, Harry Irish, Christopher

and the ratification of the Ethics Committee report failed.

Rep. Whalley moved that the House accept the Ethics Committee Report and recommend the sanction of reprimand.

Rep. Jasper spoke against and yielded to questions.

Rep. Soltani moved to amend the motion and recommend the sanction of censure, and spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the amendment with the sanction of censure.

YEAS 217 NAYS 143**YEAS 217****BELKNAP**

Clark, Charles	Fitzgerald, James	Flanders, Donald	Millham, Alida
Morrison, Gail	Tobin, William		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Knox, J David
Olimpio, J Lisbeth			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Espiels, Peter
Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna	Weed, Charles		

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Morneau, Renney
Theberge, Robert			

GRAFTON

Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Williams, Burton	

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Beaulieu, Jane	Bergeron, Jean-Guy	Brassard, Paul	Calawa, Leon Jr
Carlson, Donald	Carter, Mark	Chabot, Robert	Chase, Claudia

Christiansen, Lars
 Craig, James
 Dokmo, Cynthia
 Foster, Linda
 Golding, William
 Haley, Robert
 Hirschmann, Keith
 Jean, Claudette
 Lawrence, James
 Mead, Robert
 Movsesian, Lori
 Renzullo, Andrew
 Shaw, Kimberly
 Villeneuve, Maurice

Clemons, Jane
 Daniuk, Caitlin
 Drisko, Richard
 Gargas, Carolyn
 Goley, Jeffrey
 Hall, Betty
 Holden, Randolph
 Johnson, Paula
 Lefebvre, Roland
 Messier, Irene
 O'Connell, Timothy
 Rosenwald, Cindy
 Stepanek, Stephen
 Wheeler, James

Cote, David
 Desmarais, Vivian
 Egbers, Fran
 Garrity, Patrick
 Gorman, Mary
 Harvey, Suzanne
 Irwin, Anne-Marie
 Kopka, Angeline
 Matarazzo, Anthony Sr
 Michon, Stephen
 Pappas, Christopher
 Schulze, Joan
 Sullivan, Francis

Cote, Peter
 DeVries, Betsi
 Essex, David
 Ginsburg, Ruth
 Graham, John
 Hawkins, Ken
 Jasper, Shawn
 Lasky, Bette
 McRae, Karen
 Moran, Edward
 Price, Pamela
 Shaw, Barbara
 Velez, Hector

MERRIMACK

Blanchard, Elizabeth
 Carrier, David
 Foose, Robert
 Hager, Elizabeth
 McMahon, Patricia
 Rush, Deanna
 Tilton, Joy
 Whiting, Herbert

Bouchard, Candace
 Danforth, James
 French, Barbara
 Hamm, Christine
 Owen, Derek
 Ryan, Jim
 Tupper, Frank
 Williams, Robert

Brueggemann, Donald
 DeJoie, John
 Gile, Mary
 Lockwood, Priscilla
 Potter, Frances
 Shurtleff, Stephen
 Wallner, Mary Jane
 Yeaton, Charles

Clarke, Claire
 DeStefano, Stephen
 Greco, Vincent
 Marple, Richard
 Reardon, Tara
 Soltani, Tony
 Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
 Buxton, Donald
 Cooney, Richard
 Garrity, James
 Hutchinson, Karen
 Mason, April
 Powers, James
 Stiles, Nancy
 Zolla, William

Allen, Mary
 Cali-Pitts, Jacqueline
 DiFruscia, Anthony
 Gould, Kenneth
 Itse, Daniel
 Moore, Benjamin
 Putnam, Ed II
 Weldy, Norman

Asselin, Michael
 Camm, Kevin
 Fesh, Bob
 Hopfgarten, Paul
 Langley, Jane
 Norelli, Terie
 Robertson, Carl
 Wells, Roger

Blanchard, MaryAnn
 Casey, Kimberley
 Flockhart, Eileen
 Hughes, Daniel
 Lund, Howie
 Pantelakos, Laura
 Splaine, James
 Weyler, Kenneth

STRAFFORD

Berube, Roger
 Callaghan, Frank
 Creteau, Irene
 Goodwin, Earle
 Kaen, Naida
 Rous, Emma
 Spang, Judith

Brown, Jennifer
 Campbell, W Packy
 Domingo, Baldwin
 Grassie, Anne
 Keans, Sandra
 Schmidt, Peter
 Taylor, Katherine

Brown, Julie
 Chaplin, Duncan
 Dunlap, Patricia
 Heon, Richard
 Knowles, William
 Smith, Marjorie
 Taylor, Kathleen

Brown, Lawrence
 Cilley, Jacalyn
 Easson, Timothy
 Johnson, Nancy
 Rollo, Michael
 Snyder, Clair
 Wall, Janet

SULLIVAN

Cloutier, John
 Irish, Christopher
 Prichard, Stephen

Donovan, Thomas
 Jillette, Arthur Jr
 Rodeschin, Beverly

Franklin, Peter
 Osgood, Philip Sr

Houde-Quimby, Charlotte
 Phinizz, James

NAYS 143

BELKNAP

Allen, Janet
 Rosen, Ralph
 Veazey, John

Boyce, Laurie
 Russell, David
 Wendelboe, Fran

Neddeau, Stephen
 Thomas, John
 Whalley, Michael

Pilliod, James
 Tilton, Franklin

CARROLL

Brown, Carolyn
 Merrow, Harry

Dickinson, Howard
 Patten, Betsey

Martin, James
 Philbrick, Donald

McConkey, Mark
 Stevens, Stanley

CHESHIRE

Emerson, Susan

Foote, Sheila

Hunt, John

Pelkey, Stephen

COOSKing, Frederick
Stohl, EricLary, Bruce
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTONEaton, Stephanie
Sorg, GregoryMaybeck, Margie
Ward, John

Mirski, Paul

Solomon, Peter

HILLSBOROUGHBarry, J Gail
Brundige, Robert
Coughlin, Pamela
Emerton, Larry
Goyette, Peter Jr
Hellwig, Steve
Kelly, Eugene Jr
Martin, Mary Ellen
Pepino, Leo
Slocum, Lee
Ulery, JordanBatula, Peter
Buhlman, David
Crane, Elenore Casey
Francoeur, Bea
Hagan, Barbara
Hinkle, Peyton
Kurk, Neal
Mooney, Maureen
Rowe, Robert
Smith, David
Vaillancourt, SteveBiundo, Michael
Carew, James
Dyer, Donald
Gibson, John
Hansen, Ryan
Hunter, Bruce
L'Heureux, Robert
O'Brien, William
Ryder, Donald
Souza, Kathleen
Wheeler, RobertBoehm, Ralph
Christensen, D L Chris
Elliott, Nancy
Gonzalez, Carlos
Hebert, Raymond
Infantine, William
Manney, Pamela
Ober, Lynne
Scanlon, Michael
Tahir, Saghir**MERRIMACK**Anderson, Eric
Kidder, David
MacKay, JamesField, William
Klose, John
Maxfield, RoyHess, David
L'Heureux, Stephen
Oliver, JamesKennedy, Richard
Langlais, Thomas
Reed, Dennis**ROCKINGHAM**Belanger, Ronald
Cady, Harriet
Dalrymple, Janeen
Doyle, Christopher
Francoeur, Sheila
Ingram, Russell
Katsakiores, Phyllis
McMahon, Charles
Palazzo, Frank
Sanders, Elisabeth
Waterhouse, KevinBettencourt, David
Carson, Sharon
Dodge, Robert
Dumaine, Dudley
Gillick, Thomas
Introne, Robert
Kobel, Rudolph
Nowe, Ronald
Priestley, Anne
Scamman, Stella
Weare, E AlbertBicknell, Elbert
Charron, Gene
Dowd, John
Flanders, John Sr
Griffin, Mary
Johnson, Robert
Major, Norman
O'Neil, Michael
Rausch, James
Smith, Paul
Welch, DavidBridle, Russell
Coburn, James
Dowling, Patricia
Forsing, Robert
Headd, James
Katsakiores, George
McKinney, Betsy
Packard, Sherman
Rolston, James
Stone, Joseph
Winchell, George**STRAFFORD**Bickford, David
Newton, CliffordCataldo, Sam
Twombly, James

Hofemann, Roland

Hollinger, Jeffrey

SULLIVANConverse, Larry
and the amendment was adopted.

Ferland, Brenda

Gale, Harry

The question now being acceptance of the Ethics Committee Report with the sanction of censure.
Rep. Rollo requested a roll call; sufficiently seconded.

The question being acceptance of the Ethics Committee Report with the sanction of censure.

YEAS 274 NAYS 86**YEAS 274****BELKNAP**Allen, Janet
Millham, Alida
Thomas, John
Wendelboe, FranClark, Charles
Morrison, Gail
Tilton, Franklin
Whalley, MichaelFitzgerald, James
Rosen, Ralph
Tobin, WilliamFlanders, Donald
Russell, David
Veazey, John

CARROLL

Ahlgren, Christopher
Martin, James
Philbrick, Donald

Babson, David Jr
Morrow, Harry
Stevens, Stanley

Buco, Thomas
Olimpio, J Lisbeth

Knox, J David
Patten, Betsey

CHESHIRE

Allen, Peter
Dexter, Judson
Espiefs, Peter
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Dunn, J Timothy
Foote, Sheila
Parkhurst, Henry
Robertson, Timothy

Butynski, William
Eaton, Daniel
Hogancamp, Deborah
Pratt, John
Sawyer, Sheldon

Chase, William
Emerson, Susan
Hunt, John
Richardson, Barbara
Tilton, Anna

COOS

Buzzell, Bernard
Morneau, Renney

King, Frederick
Theberge, Robert

Mears, Edgar
Tholl, John Jr

Merrick, Scott

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Sokol, Hilda

Barker, Robert
Ham, Bonnie
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Hammond, Lee
Naro, Debra
Ward, John

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Barry, J Gail
Boehm, Ralph
Carter, Mark
Clemons, Jane
Crane, Elenore Casey
Dokmo, Cynthia
Essex, David
Ginsburg, Ruth
Graham, John
Harvey, Suzanne
Holden, Randolph
Jean, Claudette
Kurk, Neal
Matarazzo, Anthony Sr
Michon, Stephen
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Kimberly
Tahir, Saghir
Wheeler, Robert

Allan, Nelson
Batula, Peter
Brassard, Paul
Chabot, Robert
Cote, David
Daniuk, Caitlin
Drisko, Richard
Foster, Linda
Golding, William
Haley, Robert
Hawkins, Ken
Infantine, William
Johnson, Paula
Lasky, Bette
McRae, Karen
Moran, Edward
Pappas, Christopher
Scanlon, Michael
Slocum, Lee
Velez, Hector

Balboni, Michael
Beaulieu, Jane
Brundige, Robert
Chase, Claudia
Cote, Peter
Desmarais, Vivian
Egbers, Fran
Gargas, Carolyn
Goley, Jeffrey
Hall, Betty
Hebert, Raymond
Irwin, Anne-Marie
Kelly, Eugene Jr
Lawrence, James
Mead, Robert
Movesian, Lori
Price, Pamela
Schulze, Joan
Stepanek, Stephen
Villeneuve, Maurice

Baroody, Benjamin
Bergeron, Jean-Guy
Carlson, Donald
Christiansen, Lars
Craig, James
DeVries, Betsi
Emerton, Larry
Garrity, Patrick
Gorman, Mary
Hansen, Ryan
Hirschmann, Keith
Jasper, Shawn
Kopka, Angeline
Lefebvre, Roland
Messier, Irene
O'Brien, William
Renzullo, Andrew
Shaw, Barbara
Sullivan, Francis
Wheeler, James

MERRIMACK

Anderson, Eric
Clarke, Claire
DeStefano, Stephen
Greco, Vincent
Kidder, David
Marple, Richard
Owen, Derek
Ryan, Jim
Tupper, Frank
Williams, Robert

Blanchard, Elizabeth
Currier, David
Foos, Robert
Hager, Elizabeth
Klose, John
Maxfield, Roy
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

Bouchard, Candace
Danforth, James
French, Barbara
Hamm, Christine
Langlais, Thomas
McMahon, Patricia
Reardon, Tara
Soltani, Tony
Waltz, Mary Beth

Brueggemann, Donald
DeJoie, John
Gile, Mary
Hess, David
Lockwood, Priscilla
Oliver, James
Rush, Deanna
Tilton, Joy
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Bettencourt, David
Bicknell, Elbert	Blanchard, MaryAnn	Buxton, Donald	Cady, Harriet
Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Dowd, John	Dowling, Patricia
Fesh, Bob	Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gould, Kenneth	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Itse, Daniel	Largley, Jane	Lund, Howie
Mason, April	McMahon, Charles	Moore, Benjamin	Norelli, Terie
O'Neil, Michael	Pantelakos, Laura	Powers, James	Putnam, Ed II
Robertson, Carl	Rolston, James	Splaine, James	Stiles, Nancy
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Winchell, George
Zolla, William			

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Easson, Timothy	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen	Rodeschin, Beverly	

NAYS 86**BELKNAP**

Boyce, Laurie	Nedeau, Stephen	Pilliod, James
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CARROLL

Brown, Carolyn	Dickinson, Howard	McConkey, Mark
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CHESHIRE

Pelkey, Stephen

COOS

Lary, Bruce	Remick, William	Richardson, Herbert	Stohl, Eric
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GRAFTON

Andersen, Gene	Eaton, Stephanie	Maybeck, Margie	Mirski, Paul
Sorg, Gregory			

HILLSBOROUGH

Biundo, Michael	Buhlman, David	Calawa, Leon Jr	Carew, James
Christensen, D L Chris	Coughlin, Pamela	Dyer, Donald	Elliott, Nancy
Francoeur, Bea	Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr
Hagan, Barbara	Hellwig, Steve	Hinkle, Peyton	Hunter, Bruce
L'Heureux, Robert	Manney, Pamela	Martin, Mary Ellen	Mooney, Maureen
Ober, Lynne	Pepino, Leo	Rowe, Robert	Ryder, Donald
Smith, David	Souza, Kathleen	Ulery, Jordan	Vaillancourt, Steve

MERRIMACK

Field, William	Kennedy, Richard	L'Heureux, Stephen	MacKay, James
Reed, Dennis			

ROCKINGHAM

Belanger, Ronald	Bridle, Russell	Carson, Sharon	Charron, Gene
Dalrymple, Janeen	Dodge, Robert	Doyle, Christopher	Dumaine, Dudley

Flanders, John Sr
Ingram, Russell
Katsakiores, Phyllis
Nowe, Ronald
Rausch, James
Stone, Joseph

Gillick, Thomas
Introne, Robert
Kobel, Rudolph
Packard, Sherman
Sanders, Elisabeth
Waterhouse, Kevin

Griffin, Mary
Johnson, Robert
Major, Norman
Palazzo, Frank
Scamman, Stella
Weare, E Albert

Headd, James
Katsakiores, George
McKinney, Betsy
Priestley, Anne
Smith, Paul
Welch, David

STRAFFORD

Bickford, David

Newton, Clifford

Twombly, James

SULLIVAN

Ferland, Brenda

Gale, Harry

and the Ethics Committee Report with the sanction of censure was adopted.

CENSURE

The Speaker informed Rep. Chandler of the censure by the House.

WITHOUT OBJECTION

Without objection, the Speaker ordered the Ethics Committee Report and entire debate to be printed in the House Journal.

DEBATE ON LEGISLATIVE ETHICS COMMITTEE REPORT COMPLAINT #2004-2

Adoption of the Legislative Ethics Committee Report

Rep. Jasper: Thank you, Mr. Speaker. I move that this report be Special Ordered until next Wednesday, June 8th.

Speaker Scamman: The motion before the House is that this Report be made a Special Order next Wednesday on June 8th. Rep. Jasper, you may speak to your motion.

Rep. Jasper: Thank you, Mr. Speaker. I think there are several important reasons why we take this action. First of all, there's a lot of information there. The transcripts of the hearing, which I know that many members of the House wish to review, only became available generally yesterday afternoon. These are the transcripts, 163 pages, not something the average person would have time to get through in one night. In order to properly take all of that into context, one also has to look through the Legislative Ethics Committee minutes of October 28 which have the testimony of Attorney Lamontagne. Also it's important to read in context the Legislative Ethics Committee minutes of November 22nd, the testimony of former Rep. Henry Mock. Then one has to read the report of the Ethics Committee. Few, if any of us, and I know that I have not had the ability to do that work yet. So I think in deference to the many members who wish to do that, it's important that we put this off. Second, Rep. Ross, the second member of this body that serves that serves on the Legislative Ethics Committee, is not able to be in town. He's in Texas on business, and he informed the Speaker that would be the case. He requested that this be put off. In my 11 years as a member of this body when a member has made a request because they had a special interest and knowledge in a bill, this body has always granted that request. Now I understand that some people feel that there are special circumstances which should cause us to ignore that and that we need to put this behind us and we need to move on. Well, I recall only a year ago when we had a similar report from the Ethics Committee, on another representative, at that time the committee was ready to go the following week. The Speaker of the House, Rep. Chandler, felt that we should not rush into it. The week following the week that the Committee wanted to have this heard was a vacation week. The following week there was important business that the Speaker felt we should not disrupt by taking up the report. So, in fact, it was four Thursdays after the report was first able to be considered that it was scheduled to be taken up. And I think that we owe no less consideration to that. I would certainly be glad to Special Order it to a different day, if that was the Chair's desire. But I think that it is imperative that Rep. Ross be available to answer questions and to give his side of what went on, and I think it's imperative that those members who wish to have a chance to review this. Thank you, Mr. Speaker and I would request a division on this question.

Rep. O'Neil: Thank you, Mr Speaker, I rise in opposition to the motion to postpone, or to delay. It's been eight months. I think everybody has had ample opportunity to digest this whole situation. The report has been out. It is in the Record as of Friday, that everyone received. The report was online on Friday of this week and people have had ample time and I think it's time to move on. We have a very busy schedule ahead of us in the next week. We have to take up the budget, education funding, House Bill 110, tort reform and the nurse practice act next week. We also have speaking before us next week, the ambassador from Pakistan at 10 o'clock. So it is time for us to move on, I think the subject is before us and I urge you to vote this motion down.

Rep. Buzzell: Thank you, Mr. Chair. I rise in support of the motion. Here we are, we are being judges and a jury of somebody's fate. I think we need to really seriously digest all the facts. I have not read the transcripts. I think we need to look at these transcripts, examine these transcripts, look at these repeatedly before we can come to a true conclusion. I do not know all the facts of this case and I find it highly important that we look at every little aspect of the information before we can come to a conclusion. So, I'm asking you if there are any of you out there like me that are so much on the fence, and are so torn on this issue that I want to have that time to examine all the evidence, then I please hope that you will support the motion to continue this. Thank you.

Rep. Peter Allen: Thank you very much, Mr. Speaker. Thank you, Representative, for taking my question. Isn't it true that we had an Ethics Committee investigate? They did in great detail and they voted unanimously for the result that is in the Report?

Rep. Buzzell: Yes, that is true, it was unanimous.

Rep. Charles McMahon: Thank you, Mr. Speaker, members of the House. I rise in support of the Special Order. I believe that a number of us may, perhaps the majority of us, have not had a chance to see or read the transcripts. I also understand that there are articles that were submitted during the hearings that have data that might be important for us in our very important decision before us. I know that there have been delays and I would urge just one more. I know the representative from Bartlett himself had asked for a delay, as well as the Attorney General's office postponed some of the time of the hearings, and the representative from Bartlett wanted to wait until that information was all in. So, I urge you today to allow the members of the House to have all of the information that they need to make this very important decision that impacts not only an individual but the entire body. Thank you, Mr. Speaker.

Rep. Solomon: Thank you, Mr. Speaker, members of the House. I'm from Canaan, I don't need another tax bill. I take great grievance to the majority leader saying to everybody got their report, their calendar, on Friday. I did not. Mine did not get in the express bag. Due to that I don't see, and now I don't hear, I need some time to digest this report. It's very important, it shouldn't be played down at all. It's our turn to view it. We should be able to do that, digest all that information. So I strongly suggest it gets special ordered. Thank you.

Rep. Sheila Francoeur: Thank you, Mr. Speaker. I rise in opposition to the motion to special order this. Let's take a look at what we have in front of us, folks. The facts in this case are not disputed.

Rep. Chandler has pleaded guilty in court. We are not here to go over a case trial item by item, by item. We are here to take or reject the recommendation of the Ethics Committee on what the punishment should be from this House. Now, if you haven't read the report, if you don't know what's going on, I can't imagine where you have been since last October when a member of public radio broke the story of the corn roast. And now, maybe you don't subscribe to the *Union Leader*, or maybe you don't subscribe to the *Keene Sentinel*, but you cannot turn on WMUR, you cannot pick up a local paper, or talk to your neighbor on the street without knowing what this case is all about. It has taken up our time. It has taken up Rep. Chandler's time and we are here to do the business for the people of the state. It is time that we allow this gentleman to move on with his life and that we move on with the business of the state, and Mr. Speaker, I ask for a roll call.

Rep. Pratt: Thank you, Mr. Speaker. It's rare that I actually speak on behalf of leadership of my party but I do so today. And I want to say first, just so everyone in this room and in the press knows it, that the leadership of my party has made absolutely clear to everyone of its members that the vote on the substance of this issue is a vote of conscience which each member of my party and I hope of both parties will have to undertake for him or herself. There is no whipping in this matter from my side of the aisle.

On the process, however, Mr. Speaker, the leadership of my party does have a position and a very strong one. And as you know, sir, we delivered to you yesterday a letter and I want all the members of the House to know what we said. We wrote on the 31st – Mr. Speaker, We the undersigned, members of the Democratic Leadership Team or ranking Democrats urge you most strenuously to reconsider your decision to hold a vote on the Joint Ethics Committee report on Rep. Chandler at the session this Wednesday. We note first, that the Republican House member of that committee, the gentleman from Peterborough will not be present for Wednesday's session. In our opinion, for him not to participate in the House debate on this matter is unfair to him, it is unfair to the other House member, the gentelady from Madbury, and it is particularly unfair to the entire House. Further, Mr. Speaker, if the matter is considered Wednesday, the House will have had no opportunity, no opportunity to hear from all the members of the Joint Ethics Committee as to how they arrived at their collective unanimous decision on this question or to question them. Nor to hear from the attorney for the representative from Bartlett as to why he considers the punishment excessive and to question him. Lastly, in as much as the report came out just before the long Memorial Day weekend many of us have not have sufficient time to study it, to examine the transcripts upon which it is based and upon which the recommendations contained within it were based, and then to have some time to reflect upon this most important matter before going into debate.

Mr. Speaker, we concluded, we simply do not understand why there is a need for a rush to judgment in this manner and we ask that you postpone the debate and arrange for such a forum, respectfully. Mr. Speaker, I'd only add one word, I heard from some that we don't need to go forward because probably everybody has already made up their mind. Made up their mind, Mr. Speaker? When the report has been out for 72 hours and for many of us, some didn't get the Calendar until Tuesday? Made up their mind, Mr. Speaker? When the transcript wasn't put up on the Internet until yesterday afternoon and it's 160 pages long? Made up their mind, Mr. Speaker? When we haven't even had the debate in this House on it, I certainly hope that's not the case. I certainly hope that this House doesn't follow that old axiom, "My mind is made up, do not confuse me with the facts." Mr. Speaker, this is a significant matter, and I believe we do not have to act with haste. We are not just one of the largest legislatures in the world, but I hope one of the most deliberative. And I would strongly urge a "yes" vote on this motion.

Vote on motion to Special Order ratification
of Legislative Ethics Committee report to Wednesday, June 8th
roll call Y-149 N-205 – motion failed

Debate on Ratification of Legislative Ethics Committee Report

Speaker Scamman: The Chair would state that I have a very long list of speakers who wish to speak on this. I'm going to read those names before we start. After we go for a while and I believe we are getting redundant, I'm going to ask members to say, "I rise to nonspeak in favor of the motion or against the motion," because I don't think we need to be rehashing things too long but I don't believe that anyone should not be allowed to speak if they feel they need to.

I'm going to read the whole list before we start. Those on the list of ratification would be Reps. Jasper, DiFruscia, Craig, Moore, Weed, DeJoie, Lockwood, Weyler, Robinson. Those on the other side are Reps. O'Neil, O'Brien, Sheila Francoeur, Carolyn Brown, Mirski, King, Rowe, Welch, Bicknell, Stephen L'Heureux, Ulery, Dickinson, Gibson, Goyette, Hess, Major, Patten, Dowd, Drisko, Kennedy, Griffin, John Flanders, Hagan, Dalrymple, Janet Allen, Merrill, Bob L'Heureux, Currier, Stepanek, Charles Clark, Stohl, Hunt, Emerson, MacKay, Phyllis Katsiakores, Hogancamp, Lars Christiansen, Babson, Ingbretson, . . .

The House will be in order. I think it is important that I read this to begin with because when we get to the point I ask if anyone else needs to speak that's been on the list, we can put this list of people in the Permanent Journal. In fact this whole procedure will be in the Journal verbatim. So, I think is important that we do this now and then we won't have to go through the list if there are one or two at some point that want to speak instead of thirty . . . I think I said Ingbretson, Reps. Hinkle, Thomas, Sorg, Emerton, George Katsiakores, Paul Smith, Danforth, Morris, Rausch, James Martin, Easson, Reed, Gale, Maybeck, Calawa, Bettencourt, Bridle, Russell, Chris Christensen, Tilton, Boyce, Itse, Kurk, Pepino, Scamman, Headd, Hirshmann, Wendelboe, Tahir, Eaton and Whalley.

Rep. Jasper: Thank you, Mr. Speaker, I can count . . .

Speaker Scamman: Would the members please suspend. I think it is very important that we show courtesy to every member who speaks. The emotions are quite high on both sides. I think both sides need to respect that the other side feels as strongly as they do, they have the right to be heard. I think it would be shameful if we do not do that today and I will certainly intend to enforce that. Rep. Jasper, you may proceed.

Rep. Jasper: Thank you, Mr. Speaker I can count and I can predict what the outcome will be. That tells me I should just sit down and shut up. Thank you so very much for those rumblings . . .

Speaker Scamman: The House will be in order. I just asked you not to jeer, cheer or make comments from the Body. It is inappropriate and I would ask the Sergeant-at-Arms to please keep track if anyone does that in the future, so we can deal with it. Rep. Jasper, you may proceed, and I apologize for the comments.

Rep. Jasper: I am greatly disappointed by the fact that so many members before the debate has even begun have gotten up and left this Hall. This is a momentous decision that we are about to make and for so many members to have decided that they don't even want to listen to the other side speaks poorly of this House. I am standing here because I think regardless of whether there is one single person who wants to listen to what I have to say, the people of the State of New Hampshire ought to have the opportunity to hear. So, if you'd like, you can all get up and leave and I will speak.

Mr. Speaker, I rise in support of the pending motion to adopt or to ratify the report of the Ethics Committee. I had hoped that I had left behind the issue of the charges against Rep. Chandler, and gladly so. With the absence of Rep. Ross today, I looked to see who would be willing to speak in his absence for the Committee, and as I looked I realized that as a former chairman and as a member for over nine years, that responsibility fell in part to me.

I was first appointed as a Speaker's citizen representative to the Ethics Committee by Speaker Burns in 1995. I was reappointed to that position twice by Speaker Sytek, and once more by Speaker Chandler. Upon my return to the legislature, I was appointed by Speaker Chandler as his legislative appointee to the Committee. No member of this legislature has more experience on the committee than do I. As I said, there are more than a few of you who no doubt question why I don't just stay in my seat and vote my conscience. Simply put, it is my conscience and my sense of duty to my oath which compels me to speak. Rep. Chandler and I were friends. I am pained that it is necessary for me to stand here. I am saddened that he has placed us all in the position of having to choose ethics over friendship. But make no mistake, no matter how you try to rationalize your vote, anything less than the expulsion dishonors this body. Good men make bad decisions. In nearly every day which we are in session, we pass judgment on what the penalty for those mistakes will be. The difference is, we don't know those people. We can clearly see the wrong and set the punishment. We have an Ethics Committee precisely because we recognize there are times when we are too close to the situation to be objective. Sadly, the impetus to form the Ethics Committee was the result of an action by a former Majority Leader. Thankfully, he resigned and we were never forced to judge him. He, too, was a good legislator and liked by all. He, too, was my friend. Up until now, the process has served us well, but has never before been put to the ultimate test. We have asked the committee of seven independent people to make recommendations on difficult decisions for us. And they have made the most difficult decision an Ethics Committee can ever make, to recommend expulsion of a member of the legislative body. Adding to that difficulty is the reality that the member was a former Speaker of this House and a current member of leadership and a friend to all. But given the body of evidence, the committee had no choice if our ethics law is to have any meaning.

To paraphrase Chairman Gordon, to do anything less, would be to make our ethics guidelines nothing but words on paper. There are those among us who think the Ethics Committee went too far. Yet who among them is so unbiased as to be able to sit on a jury to hear this case? I would submit that none of them are. Who among them actually heard all the evidence and read all the documentation before rendering their opinion? Probably few, if any.

I've heard members say that Rep. Chandler has paid a high enough price for his mistake. Well, first of all, we are not talking about one mistake. We are talking about a series of violations which occurred over many years. What has occurred cannot honestly be boiled down to one mistake. Members who serve in positions of trust, leadership, have an obligation to set the standards of

ethical behavior for the legislature. They also have the resources to get the answers to their questions. Indeed, while he served as Speaker, the Ethics Committee and Rep. Chandler shared the same legal counsel. What becomes clear in reading all the available information is that either Rep. Chandler had no concern for following the laws and guidelines or he purposely didn't want to know. Either is an irresponsible omission.

Essentially, we are in a situation in which our former Speaker has said he never bothered to read the ethics guidelines nor did he have any interest in finding out from those who knew what they were. To go back to the issue of penalty, Rep. Chandler pled guilty to a misdemeanor for his violation of RSA 15-B relating to the failure to report gifts over \$50. That is a legal issue separate from these proceedings and covers only a portion of the charges brought by the Ethics committee. To say that his \$2,000 fine, 100 hours of community service, giving up the speakership is punishment enough is tantamount to saying that a person who is caught speeding without a license while drunk should face only one of those charges, not all three. We have the power to make that determination but I am sure that few if any of us would vote for such legislation. It is also saying that even though he took more than \$12,000 last year alone, above the \$250 per donor cap, it's OK for him to keep that ill-gotten gain. I would have expected that someone who truly took responsibility for their actions to have at least have given back that portion which they did not legally receive. At a minimum to the degree that they still had the money.

When these charges were filed with the Ethics Committee, the corn roast had only just taken place. There is no testimony or evidence that any of the donations in excess of the limits were returned, even though a complete list of such excess was provided. There is even a question of the issue of community service. In his testimony before the Ethics Committee, Attorney Lamontagne alluded to Rep. Chandler having worked part of his community service through his work in the House. If in fact this is part of his 100 hours of service, we should all be appalled. These 100 hours of service should be separate and distinct from any time spent in his duties as an elected official. And what of the fine? As Rep. Chandler is allowed to keep the money which he now acknowledges was taken in violation of the guidelines, he is still now \$10,000 ahead of what he legally could have received. We know he has legal bills but will this be the new standard in New Hampshire. Will we just let everyone keep their ill-gotten gains to pay their legal bills? And as only one person can be Speaker, is not being Speaker a penalty? Will this be another new standard? If you were Speaker but resigned or lose an election, can you now say you are paying a penalty? It's certainly a loss but no one has a right to that position. It is an honor. It should be earned, but never assumed to be a right.

There was a letter to the editor in *The Telegraph* which I thought really put things in to perspective. The writer questioned whether anyone who pled guilty to a job-related misdemeanor would still have that job. The answer is obvious. Of course not. Yet the argument is that the voters sent him back knowing the charge, so we can't expel him. As I recall the argument at the time it was that it wouldn't be right for the voters to judge him as they were only unproven allegations. That is true enough. So, now that there has been a guilty plea and a finding of guilt by the Ethics Committee we're told that the voters have already spoken. I'm confused. Are we now to believe that the voters presumed that he was guilty but didn't care? Regardless, the voters may well forgive him his transgressions and re-elect him and I have no quarrel with their right to do so.

But let's be honest about what happened. We need to make our decision based on the evidence, not based on what the voters did or might do in the future. We have responsibility to uphold our ethics guidelines. I have poured through the testimony of Rep. Chandler, his attorney and former Rep. Mock which they gave in October, November and May. It paints a picture of confusion and contradiction. What I believe is that there was no intent to do anything wrong. The problem that I have is I don't think there was any intent to do anything right, either.

The letter from the Secretary of State was clear. Anyone with a fifth grade education could understand it. The recipient of the money had to report it. The timeline in testimony is also clear. Gene Chandler did not become one of his own friends until after the first corn roast, well after the letter was received. It is obvious that Henry Mock did not consider Gene to be a member of the committee when he asked the question of the Secretary of State. If you want to do the right thing, you ask the right question of the right person.

This debate should be about our guidelines, the facts in the case and the appropriate punishment for violating them, not about whom the violator is. If we have that debate, it should be clear that

anyone who has violated all three principles of public service should be expelled. There is really no dispute about the facts and as we all know, ignorance of the law is no excuse. As legislators we must find that we each have a responsibility to read the ethics guidelines at least to the degree that we know what activities are prohibited. To do less than that is to be incompetent in our duties. I am not suggesting that we need to memorize them but to be aware that they exist and that when we engage in activities outside the norm, we refer to them for guidance.

Finally, I need to share with you an example of what drives me to speak up today. I have been a fraternity advisor for 17 years at the University of New Hampshire. In that time we have expelled a number of our members. Before our members take their oaths, they sign a covenant spelling out their responsibilities and they are told that if they violate any of them they may be subject to expulsion. A number of years ago a young man was arrested on a misdemeanor charge. Before he even went to court, a trial was held at the Chapter House and even though he was one of the most well-liked members of the fraternity, he was expelled by over the required two-thirds vote. This action banned him from the property. His brothers recognized that their oaths and the reputation of the fraternity were more important than their friendship. He was encouraged to get his life back on track, to apply for re-instatement but for the good of the order, he had to go. The other advisor, some of the brothers and I went to court with him to support him and to show him that on a personal level, we were still his friends. In 17 years the brotherhood has never failed to expel a member who has been so recommended. It is almost more than I can bear to think that the New Hampshire House may have less understanding of the importance about upholding certain standards than a group of fraternity men.

Today we need to take the personality out of the equation. We need to think about what is right and what is wrong. We need to think about the reputation of the institution. We can expel a member and still be his friend. But we cannot ignore our responsibilities to the law without breaking our oaths of office. No one is more important than the institution and no one should expect any of us to choose between ethics and friendship.

I ask you to join with me in standing with the Ethics Committee by voting to adopt their report. Thank you, Mr. Speaker.

Rep. Vaillancourt. Thank you, Mr. Speaker, and thank you for your words. I heard an argument in the Chamber just outside the hall that I want to comment on and get your comment on before it went very far. Somebody said, and I just caught a snippet of the conversation, "Oh yes, but remember but what he did as Speaker last year when it came to sending that education funding bill across and all the shenanigans with that." Do you think that anybody that would use that kind of an argument in this issue is thinking clearly as a representative should? And perhaps should not a representative who speaks like that be expelled?

Rep. Jasper: I'll leave that to your judgment.

Rep. O'Neil: Thank you, Mr. Speaker. Before I give my remarks I want to address a comment that was made earlier today about Republican leadership. I want to assure everybody here that there was no whipping or arm twisting by Republican leadership on this issue.

Mr. Speaker, I rise today in opposition to the recommendation of the House Ethics Committee to expel Rep. Gene Chandler from this distinguished body. To my colleagues in the House, you need only to ask yourself only one simple question today in making your decision. Does the sanction fit the action? In asking yourself that question you will come to one obvious conclusion. The sanction suggested by the Ethics Committee goes far beyond what any reasonable person would call for under these circumstances. Our vote today is not one of guilt or innocence. Rep. Chandler long ago admitted to his transgressions. For the last eight months not only has he had his character questioned publicly almost on a daily basis, but he has been forced to endure all of this public scrutiny while dealing with personal tragedy in his own life.

Is he guilty of an error of judgment? Absolutely. Does he deserve expulsion from an institution that he has devoted more than two decades of his life? Absolutely not. Rep. Chandler admitted his mistakes. And I would like to digress for just one second from my remarks. Rep. Chandler did offer to pay back all of the money over \$250 that he collected and that was rejected. I want to make that very clear. He did offer to pay back all of the money over the \$250 he collected and that was rejected. The court handed down its judgment and which included a \$2,000 fine and 100 hours of community service.

Ladies and gentlemen, Gene Chandler has more than paid the price for his indiscretions that he has admitted to. To me the ultimate test came when the people of his district after hearing all of the accusations and looking at the facts, overwhelmingly re-elected him to represent them in this chamber. Perhaps the true character of the man should show through as you watch how Gene Chandler goes about his duties in this State House. He has continued to serve the people of this state with dignity both as a Representative and Chairman of the Public Works Committee. My fellow colleagues, enough is enough. While we may not condone the actions, it is clear that Gene Chandler has paid the price and then some. The Ethics Committee is talking about expulsion for transgressions that may be deserving of nothing more than a reprimand. His constituents spoke loud and clear at the polls and it is time for us to carry this message forward.

I urge you to vote down this motion so that a motion of an appropriate sanction could be made after this vote. Thank you, Mr. Speaker.

Rep. DiFruscia: Thank you, Mr. Speaker. Today, June 1, 2005, is a very sad and somber day. Those of us who are in the chamber must always remember the words of a very strong Republican, Ronald Reagan, "The silent majority, the people, are listening." And what you do today is historical. And when we took our oath of office, the sacred one, we raised our hands and took the oath, we pledged. We made a pledge that to the best of our ability, agreeable to rules and regulations of the constitution and the laws of the State of New Hampshire that we would abide by them, so help me God. Mr. Speaker, I support the unanimous recommendation of the Legislative Ethics Committee to expel the gentleman from Bartlett from the New Hampshire House of Representatives for the remainder of 2005 and 2006. The decision before us concerns a very serious breach of ethical standards set forth in the principles of public service. Our decision must be based on the serious nature of the violation and not by the sympathy for the ex-Speaker irrespective of political party, leadership position or likeability. It is the responsibility of each and every one of us as a public official to understand, comply with, defend the standards of ethical conduct adopted by the membership of this body. The words of John Adams many years ago in founding the Constitution, he applied the fact that this law, this constitution applies to all of us, not to those who have a special position. He said further that democracy is a government of laws, of laws, and not of men. It appears that it is somewhat ironic when we have seen the former chairman of Judiciary, Henry Mock, who led the charge in this very chamber to impeach judges and they did not commit any crimes. It's ironic that now maybe we have dual standards, and yet this House voted, historically, I might add, to impeach the judiciary. Obviously, ethics was not the issue then was it? And is it not true that ethics and law should apply equally?

The Legislative Ethics Committee was created by this body under the RSAs 14-B:2 to develop standards for the legislative ethics and resolve through procedures established by us, issues, questions or compliance involving legislators and its staff. The matter before us today, after a hearing, an examination of all the facts available, and the ethical guidelines, the committee unanimously found that by clear and convincing evidence, I want to underline that for everyone, clear and convincing evidence, This House impeached judges on a lesser type standard and what standard are you going to apply? You have to ask yourself that question. That the committee unanimously found that using that criteria of a clear, convincing standard that the serious nature of the offense required expulsion. The committee report set forth the charges and recommendations for expulsion in print in the Calendar, not the complete record. I trust, I pray that each and every one of us has at least read the Calendar. Before any disciplinary action may be taken against the gentleman from Bartlett, this report must be ratified by this legislative body. In making your decision whether or not to ratify the recommendation of the Legislative Ethics Committee, I would ask that you consider that the Ethics Committee found that the facts underlining the charges are largely, yes, largely, undisputed. The Committee charges the gentleman from Bartlett with violations of the ethics guidelines including one engaging in prohibitive activity by soliciting, accepting, or agreeing to accept gifts of more than \$250 from others, while knowing or believing that the givers were likely to become interested in matters before the legislature.

I ask you. A lobbyist, clearly, clearly, is such a person who by definition has an interest in matters before this legislature. Charge two, engaging in prohibited activities by using his public position to obtain gifts beyond \$250 for his private benefit. Not a political contribution, for his private benefit. Clearly, using the funds to clean your laundry and to pay for your private car expense was

for private benefit. Clearly, there is basis for a finding. Thirdly, by failing to report gifts in excess of \$50 while serving on the legislature. The representative so charged admitted guilt to the lesser offense. The Ethics Committee determined that the specific charges were true again, by clear and convincing evidence.

The Committee concluded that while these violations are serious in and of themselves, that they are made even more so because they were committed by a member of leadership and have caused substantial public concern regarding the independence and the integrity of this legislative process and this institution. And to have the leader of this institution claim ignorance of those rules that were created becomes even more cynical and a distrust of the process. The violations create an aura of suspicion as to other public officials and, erroneously as it may be, and unfortunately as it may be, given the hard work done by all of the other members of the legislature. How often have you talked to your constituents when they have said, "Do you have a 'Friends Committee'?" What does it say to us as an institution, if we do not ratify the Legislative Ethics Committee's recommendations? What it says is that the former leader of the House can take substantial monetary donations from those with business before this legislature and put them to personal use and that is not egregious. That is not egregious. That a person who served in several leadership positions and in the top leadership position was unaware of the legislative ethical guidelines. Is it not egregious and an offense to each and every lawmaker that the former leader of our institution claims ignorance of the law? And is it not even more offensive and egregious that he can justify his conduct as being acceptable because other legislators were conducting similar fund raising activities? The committee went on to say that it is important that the Ethics Committee found no evidence, no evidence of similar fund raising activity by any other legislator. Everyone else followed the rules, but the gentleman from Bartlett simply did not.

What does this conduct convey to the fellow legislators and to the public and to the people we represent? That if you are part of leadership you're entitled to abide by your own set of rules? Is that the message we want to tell our children and grandchildren? Is that the message we want to leave before this House 50 or 100 years from today, when none of us will be sitting here? I hope that we would become more responsible for the recommendations and the consequences for our own actions. That those actions are based on facts and ethical guidelines. It is regrettable that we are here today. We must answer to ourselves, to each other and to the people of the State of New Hampshire that don't sit here right now. But they do sit in judgment and they will. We must therefore respond to the serious ethical violations and their consequences that are based simply on principle, on justice, on law, and not politics. Are the members of this institution to be bound by the standards of ethics or are we not? To do otherwise than to abide by the recommendations of the Legislative Ethics Committee would, in quoting from the Committee's conclusion, "demean the ethical standards established by the legislature for its membership."

I would ask you, before you take your vote, to look at the concluding paragraph by the Committee. And it says, "The Committee recognizes that Rep. Chandler has had a distinguished public career and that he has many supporters. But this violation of the ethics guidelines warrants severe punishment and he should not be accorded special treatment in its administration." He should not be accorded, these are my own words, special treatment by you, nor should he be accorded special treatment by his own constituency once they know all of the facts, and they don't. I hope you vote and push the green button.

Rep. O'Brien: Thank you, Mr. Speaker. Honorable members. I rise this morning to oppose the motion to ratify the report of the Legislative Ethics Committee and to ask you to vote against it so that a subsequent motion may be brought. I do so not just because the proposed remedy is disproportional, although that is reason enough. I do so because the proposed remedy exceeds the authority of this body.

Just over 35 years ago the U. S. Supreme Court issued an opinion that bears directly on the issue before us today. The Court was called upon to consider the decision of the U.S. House of Representatives to exclude Representative Adam Clayton Powell after he had first been expelled and then re-elected. Chief Justice Earl Warren in his last written decision reviewed the history of legislatures in this country going back to the colonial assemblies. Based on that history, our history, the Court ruled that it was beyond the power of Congress to exclude someone who meets all the basic qualifications of a member but may have committed wrongs before being elected. My honorable colleagues, the power to expel is the power to exclude. There is no difference. If as was stated in the Powell case, an elected member cannot be denied a seat based on prior misconduct,

those prior actions cannot be the basis for expelling that member. To do so is to disenfranchise the voters who send their elective members to this legislature. If the voters of a legislative district, your district or my district or the district of the member from Bartlett, elect a person meeting the basic qualifications of residency to this House, conduct complained of prior to the election should not be and cannot be the basis of exclusion. The heritage of this republic is to show great deference to the popular will and choice of the people. A legislature should not usurp or supplant its institutional judgment for that of the electorate in determining who has the character and the fitness to represent them. If serious misconduct has occurred since the election, by all means refer the matter back to the member's constituents by expelling that member and asking the voters to exercise their judgment in an election. Where the conduct was known before the election, where the voters have exercised their judgment in an election, the choice of the voters to send a member meeting the basic qualifications to this body must be respected. Just two years ago in a report of the Congressional staff to the Congress on the removal of members of Congress, the long and uncontradicted tradition on constraint on the authority to remove elected and qualified members based on pre-existing conduct was once again confirmed. The report explained that in the legislative history in this country expulsion was a method used to protect the integrity and proceedings of the legislature and the legislature's integrity and proceedings are challenged only by what members do since they are seated in the current session. The report also noted that the U.S. House Judiciary Committee had itself stated that the House had no authority to expel based on prior acts because, and I quote, "The effect of such a policy would tend not to preserve but to undermine and destroy representative government." This concept is so well established that over 100 years ago the Speaker of the U.S. House flatly ruled that a member could not be disciplined for an offense that occurred prior to his election. Then Speaker Carlisle said, "This question", and I quote, "has been so frequently decided that it is no longer a matter of dispute."

My fellow members, we may criticize and we may reprimand a member for what he did before this biennium, but if the voters have knowingly sent the member to us and that member meets the basic qualifications of the office we have no constitutional authority to hold ourselves above the right of voters to choose their representation. To do so(tape change) be held unconstitutional. Thank you.

Rep. Craig: Thank you, Mr. Speaker. I rise in support of the Committee's recommendation and I stand before you as the Democratic Leader, but I'm not speaking necessarily as the Democratic Leader. I know I have that title, but I also speak to you as a man, and as a member of this House, and I want to tell you my thought process when I heard this and how I came to my decision.

I think I'm like everyone in here in that I like to go along to get along. I like to be friends, I'd rather be your friend than fight you, that is my nature. I could have gone that way and that would have been the end of it, or I could have said, "I'm a Democrat, this is a no-brainer, he's a Republican," and that could have been the end of it. But that was not the way I was brought up, that's not fair to Rep. Chandler, that's not fair to this House. So what I thought about in making my decision, I first of all was mindful that this is a great institution but it's an institution consisting of people. That means by definition it is full of flaws because people are flawed. Probably a lot of people in here say that I'm the most flawed person in here, but that's the nature of the beast.

I considered Rep. Chandler as a person and I have to tell you that Rep. Chandler has been good to me. You may not believe this but I get a lot of complaints from Democrats about their Chairs and I've never had a complaint from the Public Works Committee. I was mindful of that. I'm mindful that we share a good friend in Henry Mock, who also has been good to me and I've had a lot of experience within this House. So I truly bear Rep. Chandler no animosity. I'm also not unmindful of the personal travails that Rep. Chandler has been through in the last year. I'm not unmindful of the fact that he has pled guilty to misdemeanor charges. I'm not unmindful to the fact, and it is an appealing fact to me, that he has been punished. But I'm also mindful that Rep. Chandler was the leader, he was the Speaker of this House. That means something to me personally. To me, the Speaker sets the tone of this House. His is the face of this House and I want the Speaker to set high standards and live by those standards for himself, for herself and for the House because I am proud to be here and I want to continue to be proud to be here.

I'm not unmindful of the impeachment we had here a few years ago, then it was the Chief Justice accused of maladministration. I had strong feelings about the Chief Justice's personal situation at

the time, just as I do today. But I voted to impeach him because I cared more about this institution. I think that the members did the House proud then, no matter the outcome. We did so because we cared more about the institution involved than the people involved. That was our charge then, that is our charge today.

I'm mindful of the committee that came up with this recommendation. I heard the comment that no reasonable people could come up with this conclusion. I'm mindful that that Committee consisted of five Republicans and two Democrats. And you know who was on that committee. I don't know if you know them personally, but I do. I consider every one of them much more than reasonable, but well-respected in this institution, in the Senate, in the New Hampshire Bar and in each of their communities. I'm mindful that those people came up with the unanimous decision. And to be honest with you, I'm mindful of an MUR poll of people out on the streets that resulted in 73% of the people asked were in favor of the Committee recommendation. 22% against and 5% undecided. So I asked myself, "What do they see that we don't see?" The answer is nothing.

I'm mindful of page 10 of the report, and to me, this is the crux of the report, this means a lot to me. They voted for expulsion because to do otherwise would demean the ethical standards established by the legislature for its membership. It is an honor to be chosen to serve in the legislature and each member must take his or her ethical duties seriously. This is especially true when the member holds the highest leadership position. I agree that this is a sad day in many respects. This is a difficult position for each of us to be in and whether we like it or not in the State of New Hampshire, each and every one of our constituents is watching what we do here today. It is up to you, each and every one of you, to decide what we are going to say to them. Thank you.

(Rep. Price in the Chair)

Rep. Sheila Francoeur: Thank you, Madame Speaker. Madame Speaker, I rise in opposition to the recommendation of expulsion by the Ethics Committee. I commend the Committee for their hard work and willingness to serve on a very demanding committee but their recommendation is too harsh. By their own statement, and I quote, "The Committee found no evidence that Rep. Chandler used his legislative resources to raise funds or that any donor received any specific benefits as a result of making a corn roast gift." Rep. Chandler has admitted his guilt in not reporting the funds he received at the corn roast. He received, and unfortunately listened to, bad advice. His guilty plea in court has resulted in a fine and many hours of community service. As was previously mentioned, he has offered to return all the funds over the \$250 threshold. In reality, Gene Chandler will be paying for this mistake the rest of his life. And his life has been service to and love of this House. For him to believe that he has brought disgrace to this House is the cruelest punishment of all.

During a very contentious Speaker's race, he was falsely accused of business failures and bankruptcy. Both lies with no merit.

I've watched Gene Chandler during a very painful period of his wife's illness and subsequent death and my admiration and respect for the man continued to grow. Through all this he continued to represent his constituents who continue to re-elect him even with this cloud over his head. He has devoted over 20 years to the citizens of New Hampshire and he has a tremendous love and respect for this institution. We cannot look at the recommendation of the Legislative Ethics Committee without looking at the whole man and his service to this state and this House.

I ask you when you vote today to think of that man. Did he make a serious mistake? Yes, he did. Does it warrant expulsion from this venerable House? No, my friends it does not. I hope that you will join me in voting down the recommendation from the Ethics Committee. Thank you very much, Madame Speaker.

Rep. Moore: Thank you, Madame. Speaker. I rise in support of the decision of the Legislative Ethics Committee regarding the conduct of Gene Chandler. I consider sanctions calling for Rep. Gene Chandler to be expelled from the legislature for the balance of the term 2005-2006, and I approve it, I consider it to be appropriate. I've got a lot of time to think about this because I spent 3 1/2 hours, 3 days a week in dialysis laying on my back, not just watching TV but thinking about things, even the legislature. And I really find this difficult, but still the words expressed in Paragraph V, Conclusions on page on 1287 of the House Record, No 44, of Friday, the 27th of May, they are clear, concise and very explicit.

I expressed all of the statements made by myself to friends and my family in one way or another since last October and I have to agree wholeheartedly with what has been said. There are some words of a personal note. For one, the violations create an aura of suspicion to other public offi-

cials and this strikes home because at one time I had a constituent say, "They're in it for all that they can get." Now, he was referring to me in particular, but also a fellow representative who has since passed away. If there are people out there who feel that way about us as members of the legislature, I'm certain this doesn't help matters at all. The conduct of Gene Chandler hasn't helped us at all because if we don't do severe punishment as recommended, unfortunately, it will just increase this feeling among certain people in our constituency. I don't like to have people think I'm dishonest but there are people who do feel that I am, and there are people who felt other members of this body have been dishonest in one way or another. They're in it for what they can get, and that's a helluva statement to make about anyone. And I don't like it and this whole hearing actually points out that there are people out there who feel exactly that way.

And I've also heard the comment, and I think one of the other speakers mentioned, that it was said that other people in the legislature have done the same as Gene Chandler. Well, of course, there's an old expression at home, it's used in conduct of young people and stuff, "What harm is it? What harm is there in it? No one got hurt." Well, even if you heard that other people do the same as Gene Chandler and have done the same as Gene Chandler, the attitude of what harm is there in it is the harm of the whole thing. Because people do feel that just because it's done and no one is hurt, there's no harm in it. Well, there is hurt in this, and there's been a lot of hurt. I feel it personally myself because it isn't just what was done and what punishment has already been meted out, it's the fact that we are responsible people. We are elected to be responsible, we are elected to be ethically correct and proper. Even the suspicion that we are not isn't good. But this has been clearly stated in the Ethics report that they had the evidence, clear and concise evidence that this is what took place, something that was ethically incorrect and we shouldn't really be talking anything except meting out punishment. It's not the man, really. The House needs to restore respect for itself, for us and this doesn't help at all. The honor and respect of this body is at stake. Please consider this, it's not the man, it's the House, it's the General Court of the State of New Hampshire. We have to protect ourselves and protect ourselves with our constituency. As a further comment, I saw the results of a poll taken about this issue, 74% of the people polled agree with the results and the report of the Ethics Committee. That the punishment should be severe and it should be exactly what they recommended. I really feel that I enjoyed my relationship with Gene Chandler, but, like I say, it's not the man. It's what's been done and what must be done to continue and restore the respect and honor of this institution.

I strayed from my notes because I can't read them, to tell the truth. Basically, I'll wrap it up by saying, God bless you and God bless the State of New Hampshire, and God bless America. I'll take no questions and I really support the report of the Ethics Committee. Thank you.

(Speaker Scamman in the Chair)

Rep. Carolyn Brown: Thank you, Mr. Speaker. Honorable members. I rise today to speak against the Ethics Committee's recommendation to expel the hardworking, respected, long-serving representative from Bartlett. I speak today for the majority of the voters from Bartlett, Conway, Chatham, Jackson, Harts Location and Hills Location who voted to return Rep. Chandler to serve in the House. The message I bring from the people of District 1 is praise for a job well done for 23 years of service to our community and our state. We stand squarely behind Rep. Chandler knowing he did not file the papers, proper reports, claiming donations raised through the Friends Committee fund raiser. Yet, we are steadfast in our support of him as he has been with the resolve, not only this matter, but meeting the challenges our communities and our state. Today, I ask you to join me and the majority of Carroll County delegation with a "no" vote to expel Rep. Chandler from the House of Representatives. I got an e-mail last night from a local radio station, I know everyone has been doing their polling, and 77% of the people polled stated that they would return Speaker Chandler to the House of Representatives. Thank you.

Rep. Weed: Thank you, Mr. Speaker. My honorable colleagues. I was one of the two who filed the charges through the Ethics Committee for Speaker Chandler. I have to say that I heard the reports on public radio and I read it in the paper, and then I picked up my Ethics Guidelines and I think it took me ten minutes looking at the words that this body passed regarding the ethical standards it holds its members to, to realize that something had happened that was very wrong. So I called up to the State House and I said, "How do I file an ethics charge?" And they said, "Well, maybe you should talk to your party people." So I ended up at the Democratic headquarters, and I have to tell you that I was discouraged by my leadership from filing an ethics charge. And I said,

"Well, look, I think that this is a really important issue." And they said, "Well, OK, we have a form for you, come up and get it." About four days later I was sitting at a meeting in Keene with members of the local Democratic party, and there was a member visiting from Claremont, he said, "Are you aware, Chuck, that there's another member who wishes to file ethics charges?" and I said, "No, I'm not, but I'm sure happy that it's not just me." It turned out to be Ken Weyler. I went home from that meeting and I called Ken, we set up a meeting. I think we must have met for half an hour over breakfast. He outlined his charges, I outlined mine and we went our separate ways and passed our charge letter back and forth by e-mail and I haven't talked with Ken Weyler since about the ethics charge.

I wanted to give you a little bit of background about why I did it. I understand, and I agree with everybody who feels this is a very sad day, but it is a very important day. An important day and people are watching us.

Speaker Chandler and I, I guess, are cohorts in a way. I was elected the same year he became Speaker. He seemed to be evenhanded. He had an interesting sense of humor. He presided over the House very professionally. He seems a very likeable person and I'm very sorry about the recent tragedies in his life. But those are not the issues. One of the more important moral claims made by advocates of American democracy is that we are not a government of persons, but a government of laws and procedures, including high ethical standards for those elected to any office of public trust and service. It is the duty of this body to determine where to draw the line between gross and minor ethical negligence.

I appreciate very much the Legislative Ethics Committee's hard work and its unanimous decision with regard to determining that they feel that it is a gross negligence. And I agree with them.

To help me make my decision, however, I wanted to look at three items that were suggested by people who have studied and written about ethics violations in the past. They are basically: What was the intention and the knowledge of the person who is accused? What is the experience of the person accused? And the last, what is the harm or the potential or probable harm to the community that was created by the unethical behavior? If I looked at the intention and knowledge of Speaker Chandler, the reports and articles we heard last summer and the decisions by the Attorney General and the Ethics Committee included reference about the former Speaker who admitted thinking about and discussing whether or not gifts and testimonials needed to be reported as far back as 1998. We have heard that he and his advisors believed that they did not require regular reporting and financial disclosure. It is clear that his decision to conduct personal fund raising events was not accidental, nor forced upon him. While Mr. Chandler was presiding, I heard from the floor several times each session, reminders to the representatives to fill out the required forms, usually by a member of the Ethics Committee. Notice and reminders were printed regularly in our Calendars. When I heard the radio stories last summer, I re-read our ethics guidelines and these four guidelines just smacked me in the face. I've talked about it and I know we're going to be discussing ethics laws, ethics violations for the whole state in the future. I think that we're very, very serious about that in the Election Law Committee. I heard some statements that these are very ambiguous. That these ethical guidelines are very ambiguous. I would strongly recommend that you go back and read them yourself. But the first one, was particularly strong to me and it's Principles of Public Service number one. It says, "Legislators should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to obtain personal benefits or pursue any private interest incompatible with the public good."

There are four very clearly articulated issues that are unambiguous: Prohibited Activities III, Prohibited Activities VII, Section (f) and the last, an Advisory Opinion put out by the Ethics Committee in September 2000. They're there and you may disagree with how ambiguous or unambiguous they are, but to me they were absolutely clear, and I have to say the behavior of Speaker Chandler seemed appalling given these ethics guidelines.

Then I looked at the experience of the actor. When considering whether a breach of ethics is only slight or gross, one must consider the experience. Former Speaker Chandler voted for these ethics guidelines as a representative 14 years ago. He has acted as a mentor to many legislators and was a widely respected source of guidance and procedures of this House. He has a long record of service here both as a rank and file member, and as a member of the leadership. It is clear to me that Rep. Chandler's experience and role and presence should have made him thoroughly aware of these ethics guidelines and of the potential harm that might result from their breach.

Finally, and perhaps the most important, and we heard about this a little bit before, it's almost impossible to gauge, there are going to be conflicting polls happening around the state, but the final consideration is, "What was the harm to the community?" How much harm has been caused to New Hampshire, to the House of Representatives and to you and me as citizens' representatives? Follow-up stories in the media last summer, and continuously since then, related to gifts and testimonials from the Friends of Gene Chandler included interviews with New Hampshire citizens, most who appeared surprised and disappointed. This highlights a problem in New Hampshire of who is able to serve in this volunteer citizens legislature. The great majority of my colleagues are retired, independently wealthy, or have flexible work schedules like me. Apparently, however, according to former Speaker Chandler's lawyer, a few survive on cash gifts and testimonials. If these come from lobbyists with business before the legislature there is no way to avoid the appearance that special interests have purchased influence through the service of their elected representatives. There is no mechanism except conscience and voting records that makes an elected official accountable to the New Hampshire voters. It is logical that if gifts are from those with business before the legislature to the leadership of the House, that communicates a very strong likelihood of special relationships with special interests. It provides the appearance of violation of the public trust. In the 1999 to 2000 session, when Rep. Chandler was told to file and filed the proceeds from the Friends of Gene Chandler Corn Roast, he cast many roll call votes for which he could be held accountable. But between 2001 and 2004 former Speaker Chandler only voted five times while the rest of the time presiding over the House. There's little evidence by which the Speaker can be held publicly accountable for those taking gifts over \$50 or over \$250 from such organizations as the New Hampshire Medical Society, the New Hampshire Bankers Association, RJ Reynolds, the Auto Dealers, the Homebuilders, the New Hampshire Hospital Association, and Anthem BlueCross BlueShield.

I've observed that former Speaker Chandler ran a very tight ship. By that I mean, I witnessed committee chairs checking with the Speaker by cell phone in ambiguous situations before allowing consideration of many bills. I heard the former Speaker Chandler was very involved in maintaining party discipline. Since discipline and whipping rolls took place out of the public arena in caucuses and in leadership meetings, it is almost impossible to correct the doubts that citizens have developed about quid pro quos or influence peddling.

In conclusion, since Mr. Chandler was aware of and discussed the ethical guidelines apparently believing that they did not apply to gifts and testimonial from Friends of Gene Chandler, his receipt of gifts over \$250 at least gives the appearance of providing favors to special vested interests. Speaker Chandler's extensive experience and role as a respected leader make his belief that these guidelines did not apply to him difficult to understand, and strains our credibility. And third, Mr. Chandler's acceptance of \$64,000 plus in gifts, many from special interests with business before this House, has damaged the reputation of all elected legislators.

I've one further point. To me, one of the best aspects of New Hampshire's citizen legislature seems to be the collective ability of seeing through self-interest and serving the New Hampshire citizens. I doubt that Speaker Chandler's apology to us about his naiveté, his ignorance or his lack of intention can really fly. As I understand it, he had complied when strongly advised by Speaker Sytek in '99 to fully disclose the proceeds of the Friends of Gene Chandler. The only difference I can see from '99 until today is that the current Speaker himself gets to decide what is ethical and what is not, and that apparently, there is very different environment of ethical standards for contemporary Republicans. As I weigh former Speaker Chandler's behavior, to me it appears to be on the gross negligence side, the egregious negligence side of ethical violations. I urge you to vote in support of the unanimous recommendation of the distinguished and respected members of the Legislative Ethics Committee. Thank you, very much.

Rep. Mirski: Thank you, Mr. Speaker, and I do rise to vigorously oppose the recommendation of the Legislative Ethics Committee to expel the member from Bartlett. And really, the reason I rise has nothing to do with the charges particularly, it has everything to do with the right of his constituents to elect to whom they wish to serve them in this Body. That is the higher order of business of the floor this afternoon.

Ethics is a pretty simple thing actually if you think about it and the Representative from Keene covered it pretty succinctly in his first remarks. If you go to the constitution and you just simply read the document you pay attention to those articles which address what disqualifies a member

from office. In every case those acts have to do with disenfranchising constituents and what they have to do with is voter fraud. You lose your right to vote if you conduct voter fraud. You can even ... it's impossible to serve here. If you take bribes in the course of trying to become elected or if you take bribes in some other context while serving here, that's an affront to your constituents. That disqualifies you from service. If you take a gift or are granted some money to advance a cause before this legislature, you become an advocate and that disqualifies you from further service. The nexus is the money, the event. Give me money, produce a result. You disenfranchise your constituents. It's all about what you have to do as a representative, it's an absolute requirement, there is no other choice as you must always act on a higher level than your own interest. Your own interest should always be set aside and it makes me think, when I think that as I sat through many sessions here coming now on the 9th or 10th year or something, and I will tell you what I am always surprised by knowing that we have doctors, lawyers, attorneys, members of licensed professions, members of unions, teachers unions, public unions. I listen for recusals every session, members who have connections, family members, spouses, parents, children, grandchildren involved in these activities. When you have a child or a member of your family involved in an activity upon which you're legislating, ladies and gentlemen, that is a financial interest. And I don't hear any recusals in this House. People do not stand up and say, "I have a conflict." Now, anyone who has been around here for any amount of time also knows and has seen legislation filed by various members that clearly advanced the interests of perhaps the corporation they worked for, the agency they worked for, the union they belonged to, etc. So, I'm going to ask you to think about public service and whether or not this body, you need to think about, whether this body is pure enough to make the kind of draconian, accept the kind of draconian recommendation that this Legislative Ethics Committee has put before you.

But coming back to the original point, we have an ethics issue which we need to ultimately need to deal with in this House in a better way in a better way, than we have dealt with it. If you read the guidelines, you will find the first part says one thing, the second part tells you how to get around it. And there's plenty of statute and conflict just internally just within that subject to make it difficult. I'm not excusing anything the past Speaker may have done. I'm not talking to that. I'm saying when you think about ethics in this House, you need to start thinking about a better way to describe and deal with the kind of behaviors that I mentioned a minute ago.

I'd like to return to the remarks of the member from Mount Vernon. It is true that Adam Clayton Powell, that Congress attempted to remove him from office and the Supreme Court said that the constituents' interest overrode whatever subjective interests the members of Congress might have had in removing Powell. We're discussing the subject of past acts the other day, and I said to the gentlemen, "Wasn't it true that John Michael Curley, Curley was elected Mayor of Boston?" "No," he said, "He was elected to Congress while serving in jail in Boston." Past acts are something for constituents to consider but they ultimately make the choice. The reason this document, this constitution we have is written the way it's written is because the folks who wrote it were all rebels at arms at one time. Those folks were going to hang if they didn't win the revolution. They knew what past acts really meant. And those past acts ultimately are given to your constituents at the time you run for election. They consider whether or not they are serious enough to somehow abrogate your service here. If they elect you, those constituents have a right to have the gentleman from Bartlett serve them. They have the right to have the gentleman from Weare serve them, all of us serve them no matter what we have done. So long as they don't violate the qualifications contained within the constitution which again goes back to setting personal interests ahead of the interests of constituents. The gentleman from Bartlett's constituents believe that he places their interests above his own, they sent him here, we cannot expel him. That is not within our authority. Whatever the House does after the fact, with respect to censure, reprimand, anything else, that's our prerogative. We are dealing with our own rules. But by George, we don't have a right to throw any member out for subjective reasons. If it were otherwise, we could eject the gentleman from Bartlett, he could be re-elected; he could come back and go through this whole scenario all over again. That's not the way it works. The past acts occurred before the last election. We have a gentleman sitting representing constituents. We do not have the right to remove him. Thank you, Mr. Speaker.

Rep. DeJoie: Thank you, Mr. Speaker and I will be brief. Honorable members of the House, throughout our history people have joined together in communities to provide for the greater good. These communities agree on standards of conduct that form the basis of the community. This basis

becomes laws and it is these laws that bind our social fabric together. When we fail to enforce our laws equally and without prejudice, we tear at the very fabric of our society. As I stand here today, I am humbled by the honor of being a member of this House. I am in awe of the people who have come before us, the people who have served nobly in this Chamber since it was created many, many years ago. Their respect for this institution and their wisdom for preserving it are enshrined in our constitution and in our laws. They have empowered us with a great responsibility, the responsibility to protect and to preserve this great institution.

Some 14 years ago we again showed our wisdom by creating the Legislative Ethics Committee. This impartial committee comprised by bi-partisan legislators and public members was created to ensure that we behave according to the laws which we create. We are here to validate the job that this committee has done. We are here to ratify not just a majority decision, we are here to ratify a unanimous decision by the Ethics Committee. Like our legal system, our Ethics Committee is based on fairness and equality. It does not matter who you are, we are held as equals before the law. How effective would our legal system be if guilt or innocence were prejudiced based on who you are or what your name happens to be? How will our Ethics Committee be if this were to happen? Our constituents send us here as their representatives to create and uphold the law. When a member's behavior so offends the very laws we create, it paints this House and all its members with the brush of suspicion. This is a mighty House indeed, but it is a fragile institution. The institution must be nurtured and protected as it has been for more than 200 years. Our willingness to hold ourselves accountable to the law is all that stands between the dark cloud of suspicion and bright light of integrity.

Today, we will exercise one of our most important responsibilities. We stand in judgment of a fellow legislator. As we deliberate here today, we are deciding less about an individual and more about preserving the integrity of this House. Some would have you believe that influence peddling is the culture of this House. I say to you that the behavior of a few men does not define who we are. It is the way in which we respond this behavior that will truly define the culture of this House. The future of this institution is in our hands. I pray that we handle it wisely.

Rep. King: Thank you, Mr. Speaker. Ladies and gentlemen. We heard a lot of learned speeches today. My remarks are going to be based on a way that I've tried to deal with these types of issues in my lifetime. Number one, I recognize my own frailties, and we should all recognize our own frailties. I guess when you get older you accumulate a lot more frailties. The fact of the matter is I think that the way we ought to measure this today is to apply the Golden Rule. It's a pretty basic issue. I think that we ought to think how would we want to be treated if we found ourselves in the same seat that Gene Chandler finds himself in. No question he made mistakes. No question he's already been punished. He's a man that devoted an extensive part of his life to his community and the state and now he's been held up to ridicule. In the newspapers, comments made by people who don't know him, people who already have judgments about what we do here in Concord. The fact is we are talking about a man's life and the decision we make today will have a lasting impression on that. I think the Golden Rule is an appropriate way to look at it. A few years ago I found myself in a like situation. I sat on the other side of the wall and we in the Senate were asked to try the Chief Justice. Again, a man who spent his whole life in the public eye, who made mistakes. I could not vote that day, and I can not vote this day to expel him from his job or to expel Gene Chandler. I think that he's already been punished enough. How many sleepless nights has he had? How many hours has he thought about what transpired? I think one of the things in the report, and I did read it, that says it all to me, and understand this has been going on for weeks and months now, and as much scrutiny given to this as if it would be that we had the ax murderer before us. And it says in this report on page 1286, "The Committee found no evidence that Representative Chandler used legislative resources to raise funds or that any donor received any specific benefit as a result of making a corn roast gift." So, let's take a long serious look at this today and say, "Gene Chandler, you're our friend, we worked hard here, we recognize you've made mistakes like we all do but you are a human being like we all are," and let's apply the Golden Rule. Thank you.

Rep. Lockwood: Thank you, Mr. Speaker. This is without a doubt the saddest day in the seven years that I have been here. Although our political philosophies didn't always agree, Rep. Chandler has been nothing but helpful, courteous and friendly. I have spent many hours, like I'm sure as you all have, agonizing over the decision we have to make today. My heart tells me one thing while my head tells me another.

In listening to my constituents comments, I realize this is not an issue of personality, but an ethical issue which reflects on the whole political process. Gene does not deserve this, but Rep. Chandler does. I'm going to have to, very sadly agree with the Ethics Committee, all good people who have given long and thoughtful consideration to the issue. I'm sorry but I must vote "yes."

Rep. Rowe: Thank you, Mr. Speaker. I will be very brief. I have shortened what I am going to say to one or two minutes but I thought one or two of you might like to know how a judge looks at something like this as it goes into the sentencing mode. It is a tradition that's gone back hundreds and hundreds, if not thousands of years. A judge would look at a matter like this and look at it with two principles, two theories. One — the first one is penalty. The penalty has to be sufficient so that the actor will not repeat the crime. And two — message, there must be a message out to the same class of people so that they will not commit the same crime. Those two principles are very simple, very basic and both have to be looked at.

Now, I ask you to consider the first one, the penalty. 1) Gene Chandler has a criminal record, that's first. He's guilty of a misdemeanor. 2) He's been fined by the Court. Two. 3) He's been ordered to serve community service. 4) He's withdrawn from his Speaker's post. 5) He owes tens of thousands of dollars in attorney fees. 6) He's been subjected to nine months of humiliating publicity from newspapers, to television and radio. 7) He's already started paying back the money, over \$250,000 it is my understanding, and 8) He must answer to us today. All of these have happened. Now, the message. Has the message gone out to the same classes of people? That's us, or those who are going to run for office. I suspect it has. I know it has. We could have a public hanging right there and it wouldn't be a stronger message going out to members of this legislature not to violate the Ethics laws, the campaign funding, the gift laws, even though a lot of them are ambiguous and contradictory.

So today I'm going to ask you to vote "red." I think enough has been enough. It has been fair and I will not repeat the point as to the fact that this has been appealed to a higher authority, but I do believe it has been appealed to a higher authority and that is the voters of his district. So, I ask you, please vote "red" on this motion. Thank you.

Rep. Hall: Thank you, Mr. Speaker. I am mindful of the children and youth in our schools and the kind of standards we want to set for our students. We want to teach them how to hold up ethical standards. We do expel some of the students who don't hold up ethical standards. This is an important issue for our whole society and the way the people in our society look at the New Hampshire House. And I urge you to support the Ethics Committee and vote "green."

Rep. Welch: Thank you, Mr. Speaker. I don't take this day lightly but I rise to oppose accepting the report in question and I would like to explain why. And I think that we've heard some of the reasons already and this is not redundant, but I believe we are sent here to identify problems and consider solutions to those problems.

This report in my opinion identifies the problem. When we write our statutes they should be clear and should not have to be subject to interpretation. When we talk about how we conduct ourselves as we consider running for public office or as elected office holders, the standards should be so clear anyone can understand it. I further believe that any candidate for any public office or any public office holder should report any and all money, gifts, donations, etc. So long as we have not clarified and simplified our laws that we must go by in such a way, I cannot accept a report such as this.

The problem is simple. There are some of us that lacking the high profile may also be in violation. To make someone a scapegoat to impress our constituents is not the solution. We need to revisit our campaign laws and think about that. If you don't spend \$500, you don't have to report what you've collected. Does that make sense? Not to me. We need to revisit the campaign laws and revise the statutes so that the ethics guidelines don't have to have 46 pages. If you receive money as a candidate or an office holder, report it. This should apply to all elected officials at every level of government. I might add, every branch.

Please reject this report so that we can consider another action. Thank you.

Rep. Timothy Robinson: Thank you, Mr. Speaker. There have been so many speakers I going to kind of speak off the top of my head. There are three codes that we live by. There's laws. There's morals. There's ethics. The law has done its duty. It fined the gentleman. It found him misdemeanor, whatever. We have not done anything to the individual. The courts did. If he had not run for office, if he had not been re-elected, he would still owe a fine, he would still owe the 200 hours of public service, etc. I've been holding different public offices since I got out of college in 1958, and out of the Army, and I have never taken any money from anybody except for campaign expenses, and that was

very little, because the City Council voted to pay us so much and if I wasn't willing to do the job for that amount of money, I shouldn't have run for the office. I was on the School Board and they voted to spend so much money and if I wasn't willing to serve for that amount of money, I shouldn't have run for the office. This body has voted to pay us \$100 a year and we have not seen it clear to raise that amount. And if you're not willing to serve for that \$100 plus your mileage, and if you live in Concord I guess that isn't much, with Keene it's about \$40 a day, then you shouldn't take the office. I have heard apologists over here say, well, you know if he hadn't taken \$250, he wouldn't have had to report it. If he hadn't taken \$50, he wouldn't have had to report it. He shouldn't have taken it. I don't care if he reported, I don't care if it was legal. If I worked for a company who lets me take time off to come over here and serve my state, and they came to me and said, "Tim, we're a hospital and we want you to vote a certain way on 214 or we're just going to have to fire you. Now, the fact that you have two kids in school, college, and you've got a mortgage, a car payment, don't let it bother you. Just vote your conscience, but if you vote a certain way, you're out of here." I would go home and discuss it with my wife. I would think about it and I probably would vote the way they wanted. Now, this gentleman has admitted that this is how he earned his living, taking money from lobbyists. What's the definition of a lobbyist? They're hired to present a point of view to sell us on voting in the manner to which their clients are paying them. Now, when they give me money and I am the Speaker of the House, and I say, "My goodness, the tobacco industry that's going to go before a certain committee, I know Joe Jones and he'd make a great chairman and the tobacco industry would love him. Now, Joe Smith, he wouldn't be so good, I think I'll put him on Human Resources somewhere so he won't be on that committee and come out with a decision they might not like." Now, how do I prove he did that? I don't know any way in hell, it's the old "Caesar's wife" – sure, she was chaste, and sure she was loyal to Caesar but she shouldn't be seen flirting with Brutus or Marc Antony or some other Roman who's a known rake. And if one of us is in cahoots and all our social life or all our money comes from lobbyists it shouldn't matter. If these lobbyists were smart, they'd go . . . say, I worked for the tobacco industry, so I go to every cigarette salesman, cigarette retailer, clerk in cigarette stores and I say, "Look, each one of you give this gentleman \$50 and we're home free." He hasn't done anything illegal. Isn't that wonderful! Now, does he owe just as much to the cigarette industry? Probably. Is there any way we can prove it? No. Did he break the law? No. Did he do wrong? Yes. Was it unethical? What it comes down to here and what the public is going to say, "Well, they're for sale and we've always known it." And it isn't just in Taxachusetts. It's come up here and it's landed. And what I say is, I'm not interested in the law. I'm interested in are we ethical? You can't pass laws to prevent every breach of ethics or morals. You know it used to be against the law to kiss your wife in public on Sunday, but they found they couldn't enforce it and they did away with it. But it's still probably not a nice thing to do, especially if it's somebody else's wife, and you're in church. But passing a law didn't work. And passing a law saying you will be ethical, good luck. The gentleman has not suffered any punishment at our hands. If he had not run for office, he would still owe the \$2,000, he would still owe the 100 hours of public service. Now, if we want him here and we say, "Not only is he here, he's still chairman of a very powerful committee." You on this side have to live with that and if you want to, so be it. I don't and I'm going to vote the man should leave. Ethics, ethics, ethics, ethics. Thank you.

Rep. Patten: Thank you, Mr. Speaker. I rise today in opposition to the Ethics Committee report of expulsion. There's been a lot said about taking the man away from the punishment. Does our justice system remove the man or woman from our consideration when judging or ruling on his or her penalty? The answer is no. Does our justice system listen to the remorse that happens with a man as he has done his mistake? Rep. Chandler abided that he did it. He said up front "Yes, the buck stops here, this happened."

I want to tell you that I stand today with his constituents in Carroll County, District 1, as I stood with him yesterday on the State House steps, and I ask you to vote against the committee report of expulsion. Thank you.

Rep. Pantelakos: Thank you, Mr. Speaker. Honorable members of the House. I rise to support the Ethics Committee. I have served in this House with great pride for 24 years. I have watched for nine months with great disbelief that the Speaker of the House that I was a member of being up on charges and found guilty. I thought, "This can't be right. How could he make such a big mistake like this?" A person that I am supposed to ask the question and get a truthful answer. Some-

one I am supposed to respect because he is the leader of the House. Someone who has all kinds of lawyers at his fingertips. Remember, this has brought disgrace to the other 399 members of this House. Everyone in this House should ask themselves, "Would I do this as a Speaker? Would I bring this disgrace to this House?"

I feel that the gentleman from Bartlett should not have run for re-election and put this House in this position. I realize that he has suffered but that is the penalty you pay when committing a crime. Like or dislike is not an issue here. The issue is, do you have respect for the office you hold? Are you proud to be elected by the people from your district? Do you respect this House?

Maybe the people of Bartlett did stand behind him and re-elect him, but the fact of the matter is, he did wrong. Now it is our job to do the job we were elected to do. Anyone that knows me knows I don't like to lift the carpet and sweep dirt under the rug. If we don't do our job today, we are lifting the carpet and sweeping our dirt under it. I hope you will respect this House and your position as I do and press the green button. Thank you.

Rep. Stepanek: Thank you, Mr. Speaker. I rise today in opposition to the Committee report. I'm going to approach this from a little different angle. In addition to serving in this honorable House, I also served on the New Hampshire Supreme Court Professional Conduct Committee for the last four years. So, I'm very familiar with ethical violations and ethical penalties. The way we do it in the professional conduct committee is we first determine what the violation is and vote on that and then we determine what the penalty is. One of the very important things that we consider when we consider a penalty is was the action a malicious action, was it intentionally done and has the individual accepted responsibility for his actions and shown remorse. In reviewing the committee report which I am very familiar with these type of reports, the committee apparently has considered only the maximum penalty of expulsion. I haven't looked at any of the ... it appears at least on the surface that they haven't looked at any of the other issues or the other penalties that are available to them and they haven't given any real consideration to the fact that this gentleman has shown remorse, has accepted responsibility for his actions, and based on my experience on the professional conduct committee, I believe that we should take that into consideration and therefore, I would urge you all to vote down the committee report so we could consider a lesser penalty and take these other factors into consideration. Thank you, Mr. Speaker.

Rep. Tahir: Thank you, Mr. Speaker. Honorable members of the House. It's my fifth year. My first year I was told to sit, relax, listen and learn. I have been studying certain things, I'm a civil engineer, I'm not an attorney. Any time I have a problem or don't understand, I go to Legislative Services, they try to help me the most they can. One of the things I have noticed is this ethical book, the ethics booklet. About half an hour ago with another honorable member of this House, I went to the Legislative Services and I asked them to clarify something because too many things have been talked about. And this is RSA 14-B on page 5, Item (2) it says "Such ratification need not occur during the biennium in which the complaint was submitted, but may be considered and acted upon by the general court in the next succeeding session;" and I was confused as the others were that why were we talking about '98 and 2000? And the answer I got was, "We are confused, we cannot give you anything substantial."

Several honorable members of this House have spoken in favor of the motion. They talked about ethics. What ethics are we talking about? The ethics which we believe. Ethics. We talk about taking campaign contributions. We are the judge of our actions. When was the last time the taxpayers approved for us to take a free lunch, free dinner, and free breakfast? Does that amount to anything? You play poverty at the same time you are taking money, and service and ethics. I spoke with a couple of honorable legislators of the other party during the last one hour in hallways. It seems to me they are bloodthirsty to get this man who has given 22 years of his life. He made mistakes, he admitted to it. We, just spent, this House approved the construction of a YDC center on North River Road in Manchester, \$33 million!

What is the intent, as I understand, is to rehab those young men and women who happened to make a mistake. We spent \$33 million for the last two years. This gentleman has made a mistake. He has paid the price. Where are we? What we are, we are human beings first, we are Americans next, then we are Democrats, Republicans, Rhinos and Dinos. What I beg you to do is look into your souls and your hearts and see, does this gentleman deserve forgiveness, no matter what religions you follow you are taught and trained to forgiveness. Forgive instead of revenge. Revenge takes us nowhere. Love instead of hatred. Try to capitalize on the experience this gentleman has. I have yet to see in my five years, short period, an honorable member who knows so much about every

little, medium-size and large project on the highway, Public Works and Highways Committee. He's very articulate. He's very honorable to me and I will vote to turn this report recommendation down and I will vote to favor him, to keep him in this House as an honorable representative.

In my opinion, this House does not have the jurisdiction or authority to expel a person who has been elected by his loving constituents. Thank you. Thank you, Mr. Speaker.

Rep. Hagan: Thank you, Mr. Speaker. Honorable colleagues. I rise to speak today because I had a couple of freshman come up to me early on in the day and say, "So, you're going to support the Ethics Committee, right? You're going to be voting for that." I wasn't going to speak and I decided I better because I don't want anyone assuming I'm going to vote a certain way. I do not support the Ethics Committee recommendation to expel the representative from Bartlett. And I would just quote from Henry Ward Beecher, "Hold yourself responsible for a higher standard than anybody else expects of you. Never excuse yourself. Never pity yourself. Be a hard taskmaster to yourself and be lenient with everybody else." Thank you, Mr. Speaker.

Rep. Paul Smith: Thank you, Mr. Speaker. I stand before you all today, my honorable colleagues, in the attempt to urge you to vote for keeping Gene Chandler right where he's been voted to be, here in Concord. Some of you will note yesterday there was a rally by North Country residents who voted for Gene knowing full well what was impending against him, urging us to keep him here. I will vote today to do what I've been asked to do by his constituents. Vice versa I will not do what some in this body who have personal vendettas against the man will ask you to do. I say vendetta because there are some in this body who absolutely despise the man who has become a mentor to me, who would gladly give up their own seats if it meant the personal defeat of Gene Chandler.

In the late fall I wrote a letter to incoming representatives because of a smear campaign that was being waged against Rep. Chandler. In this letter I mentioned several facts, chief of which is that Gene Chandler has always stood up and done the right thing. He did it when he stepped away from the Speaker's race, much to my chagrin, and he did it when the former ethics chairman personally co-authored our new sexual harassment policy. Rep. Chandler has pled guilty to a misdemeanor and has been duly sentenced for the monetary error which the ethics charge has been based upon. My friends, this is a charge that stays on his personal record forever. Contrast that with some in this body right now who have had multiple DUIs, who may have served out a term "honorably" even though they did not do so. Look to our own Executive Council. These same allegations abound yet nothing is done. New laws have been crafted and justice has been served, so why add insult to injury by expelling one of the most honored statesmen New Hampshire has ever had. The people of Carroll County knew of this charge being filed against Rep. Chandler but he was still overwhelmingly elected to this term in the New Hampshire House. Who are we to ignore those voters?

I ask you to remember that as you'll hear others who will try to discredit the integrity of Gene Chandler who will only succeed in espousing their own ignorance. Remember you're not answerable not to the Governor, Secretary of State, the leadership of either party, but to the voters and I for one will not ignore the voters of Carroll County. I urge you not to do so either. Thank you.

Rep. Itse: Thank you, Mr. Speaker. Honorable representatives. I rise against the committee recommendation. This is not about Gene, Rep. Chandler, it is not about whether he has suffered enough or suffered too much. It is about one thing, and one thing only. It is about the constitution. I'm going to give you a couple of definitions, *Black's Law*, sixth edition, page 763, "Enclusio unius est exclusio alterius." For those of you like me who did not attend a Catholic school, I will translate: "That which is included, excludes all alternatives." Our constitution gives very specific causes for the removal of a legislator. The inclusion of those causes excludes everything else. The qualifications include things like age, residency, and by extension of voting privilege being convicted of treason, bribery or violating election law and explicitly Part II, Article 96 which is so important, I want to read it to you. "No person shall ever be admitted to hold a seat in the legislature or any office of trust or importance under this government who in the due course of law has been convicted of bribery or corruption in obtaining an election or appointment." Rep. Chandler has done neither. But I want you to think about the fact that the people who founded this state sat there and thought, "OK, what crime is sufficient that we're going to prevent anybody from holding a legislative seat." Did they say murder? No. Of course, back then most murderers wouldn't have been around long enough to hold office. But, did they say robbery? No. Adultery? No. Or any of a long list of crimes against persons. They did not include them and every subsequent constitutional convention either by commission or omission has had the same judgment. Why? Because the will of the voters is sacrosanct in a republic.

If we override the will of the people in electing the representative they choose, we will be giving up our republic. That is what you are charged with, you have to make that decision. Thank you. Rep. Emerson: Thank you, Mr. Speaker, and fellow colleagues. I'm here today to speak to you about my friend, Rep. Chandler. I was not a chairman or vice chairman of any committee, I wasn't in leadership and I didn't even have a good parking space, but I want you to know that I was a freshman and he was the kindest, fairest Speaker there was. He went out of his way to be helpful and courteous and friendly. I just want to tell you that Rep. Chandler had his plate full when all this was going on. Being Speaker is a full time job but besides that his wife was dying of cancer, his father was sick and died, he himself had his hip replaced and his mother was desperately ill. That's enough to drive anyone crazy. Hasn't he been punished enough? I want to tell you that I have a quote that I try to live by, "There but by the grace of God go I," or "If you are without sin, you can cast the first stone." Enough is enough. Part I, Article 18 of the New Hampshire Constitution, Punishment to be appropriate with the crime. I hope you vote no on this and thank you.

Rep. Hirschmann: Thank you, Mr. Speaker, and that is West Manchester, that's a totally separate place, separate district. I appear before you as a freshman legislator, someone that came to Concord on a white horse, not on a high horse. My horse is just as short as yours. But my interest is in the uniform application of justice in ethics in government. I speak today to say that the scarlet letter had been placed a long time ago on Gene Chandler and by his own admission of fault, he is to be released today in whatever punishment is deemed fit. I do not believe that expulsion from this House should happen. Possibly admonishment. He's already been admonished everywhere possibly know to man in New Hampshire. And possibly censure of some sort. So there has to be some type of amendment that has to happen.

I sit on the Election Law Committee and we are diligently debating the same panel of people or body to look over the other house of government, the executive branch. So I would hope that that comes forward from our committee so that there is uniform application of laws in government that all houses are held accountable. Governor Lynch early this year said he was going to take high ethics, the high road and by God, I want to see that happen.

The senatorial district that I live in or I serve in as, I'm not allowed to say names, Mr. Speaker, so I'll say the seat is number 20 in the Senate, is West Manchester. And I took a look at what the charges are against Gene Chandler. Prohibited activities likely to become before the legislature, business likely to come before us. Well, my senator accepted money from the New Hampshire Gaming Association, Verizon, I think we're talking about poles and conduits here, KeySpan, Concord Bingo, RJ Reynolds Tobacco Company, the medical society, trial lawyers, thoroughbred racing, Bruce Berke, pharmaceutical manufacturers, in fact, just last week Senate Bill 30 by this individual went through about pills going to youths for stopping pregnancies, and the pharmacy association. My point is, I hope this cloud that has been here long before I got here goes away and not on the shoulders of Gene Chandler on the shoulders on everybody in this room that took money from any of these people that voted on any of these issues. If you did, shut your button and run because you're next.

Rep. Jasper: Thank you, Representative, I appreciate you yielding to my question. Are you referring to political gifts or personal gifts, and whether you and I think that there should be a differential, do you understand that we have established in statute and in ethics guidelines the difference between taking political contributions and contributions which may be used for personal benefit?

Rep. Hirschman: Through the fine work of our Election Law Committee and Attorney General Kelly Ayotte, we've already passed out of our committee and through the House to the Senate that no cash gifts should be accepted by any legislator of any house or anyone in government for that matter. As to campaign contributions from the gaming industry, the tobacco industry, Verizon and the rest of them, you should be abstaining from a lot of votes.

Rep. Stephanie Eaton: Thank you, Mr. Speaker. Forget-me-nots are for not only beauty but for steadfastness. And the bottom line question today is, "Why are we voting?" Is it to punish or is it to hopefully help to change behavior? I think there are two places that we can probably look. One is to the Bible. You have the Old Testament and you have the New Testament. The Old Testament is pretty rigid, an eye for an eye. The New Testament somehow we learned from the Old Testament, in living that the better way is to have some mercy and have that as part of your justice so that you change behavior and you can work together and go forward. This has been adopted, I believe, by the legal profession as well. Because I remember when you first start to

either the lawyers or the judges start to interpret the law, they go strictly by the letter of the book, by the black letter law. However, over time you start to realize that you are dealing, that the book is dealing with people and when you deal with people, it's not perfect.

And with that reality in mind, I think what we need to look to right now is that I witnessed a change in Rep. Chandler over the last months and I believe that there is a change there. Certainly this issue has put us all on notice so that we will not hopefully have to go through something like this. For this stream of logic and this evolvement of wisdom, I hope you will join me in pushing the red button. Thank you.

Rep. Kennedy: I shall try to make this as short as possible. I have the duty this year to serve on the Election Law Committee as one of my predecessors here has said. We've discussed these laws as to who can do what, when, where and how. They're a mess. Anybody who doesn't think so has got a serious, serious problem. Before us came the Attorney General of this state, a very nice young lady. And I asked her a number of questions. One of which was "Is there problem with Mr. Chandler other than breaking the rules we perhaps....there was no indication whatsoever of corruption at all, period. End of it. Two. I then asked her very simply, "If one of our brethren going home had been hit by a car, hurt badly, placed in the hospital, they had no medical insurance to speak of, their homes would have gone, their car was destroyed, would it have been wrong for us to pass the hat to try and help the fallen brother?" She said, "Oh, no that would be fine." I said, "Well, good." And then after about 30 seconds, she is by the way although a very nice young lady, she's also a lawyer, she said, "Well maybe they should set up a trust."

Well, I've know Gene Chandler for a dozen years and I will place my trust there. All I can say is place your trust the same way and so vote it be. Thank you.

Rep. Pepino: Mr. Speaker. Members of the House. I'm just going to give you few little comments, no speech, nothing alone. I'll start at the beginning where the minority said there was no information here. The cameras are here today, it's been in the papers for eight months, we've watched the radio, tv, we've listened to everything. We've got a report today in our journal, we have that. They want a member of the committee here. We don't need a member of the committee. He voted against Mr. Chandler. Now, in the paper last year the first time this appeared, the minority leader at that time says, "This has been going on for decades here," and he dropped it and never said one word after that. Our former senator, which is a congressman now, he said that when he was a senator every time he turned around somebody had a dance or a barbeque over there. Then during the campaign last year for speaker, they had a campaign against our speaker at that time up in the North Country, the papers, the radio, the whole bit. His people still elected him. They were here yesterday. They elected him. So what I'm going to ask you to do is vote with me, press the red button and see what it's all about. That's my comments. Thank you.

Rep. Soltani: Thank you, Mr. Speaker. I guess my reputation precedes me and that's not a bad thing. Mr. Speaker, I wanted to speak because I literally made up my mind this morning about this issue. It's a very important task that we are given to unseat a person who is elected by their constituents. But that person has admitted to wrongdoing. Mr. Speaker, in arriving at a decision I had to draw on my personal experiences, on what I know, what I've been trained in. We are not in the guilt or innocence phase. We are in the sentencing phase. Gene Chandler, Rep. Gene Chandler, has accepted responsibility. And now from my vote today on I have to be able to live with my conscience. I have been accused of being harsh in my interpretation of ethics codes. And I have been accused of being harsh in my interpretation and application of the ethics opinions issued by our Ethics Committee in the past. I remain critical. I don't think our ethics laws or opinions are as good as they should be. They are a poor guide. I can stand here today and tell you that since I was elected in 1998 until now, I have not so much as accepted a lunch without paying for it. I have not so much as accepted anything without having paid for it. If I'm invited to a meeting of dentists and they don't tell me what my tab is, I tell them I can't go. That's how seriously I take it.

But let's look at Gene Chandler's predicament now. One. One of the things that we as lawyers look for in the sentencing phase is admission of responsibility, acceptance of responsibility. He has not only accepted responsibility, he has more than accepted responsibility, he has offered to pay back. Two. Cooperation with the authorities. He has pled guilty to a criminal offense. He has paid a fine and he has accounted whatever sources that he had for those monies. Three. Collateral consequences. A man of Gene Chandler's stature, the Speaker of the House, has suffered humiliation for nine months. During the same period he's been under the microscope by the criminal justice system and by the ethics system of this House. He has suffered collateral consequences by

a criminal penalty and also, by a lesser penalty which should be imposed. Finally. Is he in need of rehabilitation? I don't think so. He's the last one I would want rehabilitated. And has he served properly? This appears to be the only blemish in his record of 24 years and that should be taken into consideration. The sentence must fit the individual and the offense.

For all these reasons I urge you to vote down the recommendation of the Ethics Committee on expulsion, but accept its recommendation which Rep. Chandler has admitted to violating the code. From that point on we could move to an appropriate measure to be taken as to correction and reprimand, if any is necessary. Thank you, Mr. Speaker.

Rep. Whalley: Thank you, Mr. Speaker. Gene Chandler is my friend but I'm not here today to talk to you about friendship because I think are many in the Hall who would consider themselves a friend of Gene Chandler. I have served in this legislature for 13 years and I will tell you that I love this institution and this House even more than I value my friendship with the representative from Bartlett. Some have tried to make this a partisan issue not limited to the people who are sitting in this Hall and I would suggest to you that I would be standing here today if anyone of you or if any member who I have ever served with was in the same predicament as the member from Bartlett under these same circumstances. I did not count how many people spoke today on either side but I know it's been plenty and I'm going to be somewhat repetitious and I apologize.

Over the time that I have been here, we have had, this is the third member who has been brought before the House with an ethics complaint that the House had to decide upon. I think that there are distinct differences between the two members who have come before the House in my time here and Rep. Chandler. Many speakers have hit upon that difference. We have a member who made mistakes and has taken responsibility. He has apologized and I believe he's attempted to remedy the situation and will continue to do that. That is in stark contrast with members who used their office to their advantage, brought before the Ethics Committee and the Ethics Committee making a recommendation to this body because those former members were in denial right up to the last moment. That for me is a huge difference. That for me is why this body should not expel the member from Bartlett. Now, I know there are a number of bills before the Election Law Committee because I happen to serve on that committee. It's interesting to me that those bills were filed this year in this session and I don't recall that we had bills of this nature in the recent past that came before our committee. Those bills were all filed to the best of my knowledge after October. I would suggest to you that in October we began a new chapter in the history of this legislature in October. It was due to the events that surround the representative from Bartlett. I think it's inappropriate here today to try to blame anybody else for Rep. Chandler's actions and he has not attempted to do that in any way. We have significant short comings but that doesn't change the fact that the member from Bartlett made those mistakes. I believe that this legislature will begin to correct those mistakes that we have made in terms of the conflicts and the contradictions that might exist. But they are not excuses. And for me, expulsion is not the appropriate action because we have a member who has taken responsibility and has apologized.

I have wrestled with this as much as anybody. I may be as much a friend to the member from Bartlett as anybody in this Hall and I may be due to my previous position as aware of the events after the fact as anybody. And I have been aware of what the member from Bartlett has attempted to do to resolve the problem. But I know that my respect for this House forces me to take an action and although I think that expelling the member is inappropriate, Mr. Speaker, if this ratification is not adopted by the House, I wish to be recognized to make a motion that the report of the Ethics Committee be accepted and that the action that we take against the member be one of reprimand. Thank you, Mr. Speaker.

Rep. Weyler: Thank you, Mr. Speaker. Fellow members. Our form of government can only exist with public trust. The public must believe that our collective decision is in the best interest of the majority of the people. It is that public trust that is our subject here now. Last fall when the years of fundraising first came to light some of the reactions we heard were, "You're all selling us out." I thought it terribly unfair that we all get painted with the same brush, especially when I know the personal sacrifices that most make to be here. Yes, any one of us can make a mistake but generally the more experience we have, the fewer mistakes. But there is not just one error involved, but three specific violations of the ethics rules and you can read them in the report. It is most egregious to the public trust to learn that one of us is soliciting cash from lobbyists. Those lobbyists are hired by business interests. They may want results that while profitable for their employers may be costly to the public.

The committee's recommendation to expel was more than what I thought they might recommend for I did not recall hearing such a report in the past. I have since learned that just last term that

recommendation was made on another member's discipline case. Since the member resigned, the report was not published in the Calendar nor was further action taken in the House. It's important that our actions be consistent. Every member should be treated in the same manner. No one of us is above the law nor should any one of us have a hasty action against him.

Penalties are designed to change behavior. Some 10 or 12 years ago a member was censured for abusing his position in attacking a probate judge. It was not effective in changing his behavior. Nor do I believe some minor thing would be effective in this instance. Based upon the member's testimony, which we haven't read, despite his admissions he talked about the laws were in conflict, they were vague, he had bad advice. Yes, there was admission. There was not contrition. Some have brought up the point of the misdemeanor. Does that mean if I get a misdemeanor, I will be thrown out of the House? Let's not equate a speeding ticket or a DUI with this particular misdemeanor. There are laws written very specifically to guide the actions of elected officials and for both that misdemeanor and the ethics charges speak to the betrayal of the public trust. We can have sympathy for a member. We can have compassion for the member. But in the final analysis, we have an oath to serve the people and an obligation to earn their confidence in our government. The people know there has been wrongdoing as attested to by the Attorney General and the Ethics Committee. People know that tens of thousands of dollars were raised from people with vested interests in our actions. The money was raised for the member who had the most influence on our actions. The amounts increased in each succeeding year. A member of the public might conclude that the contributors were pleased.

There's been much discussion about the election in November of 2004 that should have negated all of this action. The action of the Ethics Committee did not take place until after that election. Nor were some of those things brought to light until then. This is the first time the House has formally had an opportunity to take any action to enforce the ethics rules on this member. How will you answer those members of the public? Or the next candidate who runs against you when the question is asked, "Why didn't you take the action recommended by the Legislative Ethics Committee?" Thank you

Vote on adoption of Committee Report with sanction of expulsion
roll call Y-172 N-189 – report not adopted

Debate on sanction of reprimand

Rep. Whalley: Mr. Speaker. I move that the House accept the Ethics Committee report and issue a sanction of reprimand against the member from Bartlett, Gene Chandler.

Rep. Jasper: Thank you, Mr. Speaker. I recognize that the House by a somewhat narrow margin decided not to endorse the recommendation of the Legislative Ethics Committee and I'm here on somewhat of a fine point. The fine point being in the hierarchy it is expulsion, censure and reprimand. I think that given the fact that in that hierarchy you would be saying that this is the lowest possible penalty and that if it is done again then censure is the next step. I think while most of the members of this House recognize the severity of what went on, censure is the strongest measure that this body can send at this time. I would urge you to defeat this and accept a substitute motion of censure. Thank you, Mr. Speaker.

Rep. DeJoie: Thank you, Mr. Speaker. I thank the member for taking my question. For my edification can you explain what a reprimand actually is? As well as what a censure might be?

Rep. Jasper: There really is no good definition. They are both rebukes from the body saying that you created an error but there are no penalties that are attached to either of them, there are no sanctions, if you will. It is merely the hierarchy. Now, there are some in Congress if you are reprimanded, you need not be present. Under censure in Congress, the member has to stand at the well and receive the censure. I don't think we have any procedures in place here. That's really the only difference I am able to find but again, no sanctions attached, merely the hierarchy. If we wish to send the strongest measure that we can now, we will censure and not reprimand.

Debate on amendment for sanction of censure

Rep. Soltani: Mr. Speaker, Thank you. I move to amend the motion to adopt the finding of the Legislative Ethics Committee and impose the sanction of censure on Rep. Chandler. Mr. Speaker, censure is one step below expulsion. Reprimand is generally non-public, although in New Hampshire House we haven't had the occasion to use them very often, it is the message that goes along. A censure is a public, disapproval of the conduct of an individual member. A reprimand is less than that, it is just a reminder not do it again. I think in this sentencing phase, this calls for a censure one step below expulsion but one step above "just don't do it again." Thank you, Mr. Speaker.

Rep. Hess: Thank you, Mr. Speaker. Fellow members, throughout this body. In the course of 37 years experience practicing law, 7 as a prosecutor, 30 on the other side of the aisle, in the process of serving 2 years as a military judge on foreign soil, one of the things that I know, as does anyone in the practice of law and any jury and anyone who has served on a jury, as I hope many of you have, is that one very critical factor comes into consideration not on the issue of guilt or innocence but on the issue of what is appropriate in terms of punishment. That factor is character. It is reputation. It is a history of positive or lack of public service. It is an indication of willingness to sacrifice for the greater good. It is evidence of standing up and being counted when it would be so easy to do otherwise.

The member from Bartlett has all of those characteristics and many more that do not come to mind at the present time. That is why I rise in opposition to this motion and urge you to vote it down, the amendment, excuse me, so that we can proceed to the underlying motion.

In determining what is appropriate penalty for a transgressor to pay, ethically, morally, legally, traditionally, religiously, we are guided by three principles. The first is punishment. Vindictiveness is another phrase that is used for that or retribution. Retribution, punishment, vindictiveness is the single factor of punishment that we read about in the early books of the Old Testament. It is the oldest and furthest removed of reasons for inflicting a punishment on an individual for transgressions. The honorable member from Amherst has cited seven reasons, seven punishments that Rep. Chandler has already suffered but he neglected to indicate that he will continue to suffer many of those liabilities for the rest of his life. He has been punished more than any of us will ever know.

A second reason to inflict punishment or sanction on a transgressor is as a deterrent so that others do not do the same thing as the transgressor did. Does anyone of us need any more of a deterrent than what has happened in the last eight months to know that this is not going to happen again? That none of us are going to do anything like this again and none of our successors will? The answer to that question I think is absolutely clear and unequivocal.

The third and final reason for imposing sanctions is rehabilitation. Is there anyone in this chamber who really believes Speaker Chandler, Rep. Chandler has not gone through all of the steps of rehabilitation, admission, contrition, I believe, although another member says not. Public steps of apology. Public service and a commitment to ensuring that this will not happen again. Fellow members, I urge you to vote against the pending amendment and proceed with the underlying motion of a reprimand. Thank you.

Adoption of the amendment to substitute "censure" for "reprimand"

roll call Y-217 N-123 – amendment adopted

Adoption of Legislative Ethics Committee Report as amended

roll call Y-274 N 86 – report adopted

Speaker Scamman: The Chair at this time would request that Rep Chandler come to the well. Rep. Chandler I call you here to inform you that the House has accepted the report of the Ethics Committee and they have recommended the penalty of censure. You are hereby censured. Do you wish to say a few words?

Rep. Chandler: No, not at this time, thank you.

Speaker Scamman: Thank you. The Chair would like to say I want to commend you all for being very courteous through the whole process. It was a well-structured debate on both sides. This debate will be in the Permanent Journal completely because that is what we normally do with any Legislative Ethics Committee report.

The House recessed at 1:55 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 3:00 p.m.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 196, requiring a hearing when medical malpractice insurance rates change, removed by Rep. Buzzell.

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision, removed by Rep. Rush.

Consent Calendar adopted.

SB 54, clarifying the role of a guardian ad litem in guardianship proceedings. **OUGHT TO PASS**
Rep. Daniel C. Itse for Children and Family Law: This bill was filed at the request of the probate court. It deals with provisions for appointments of guardians ad litem for both minors and adults. It moves sections that were inappropriately placed to their correct context and enhances the ability to appoint guardians ad litem to protect otherwise incapacitated individuals. Vote 16-0.

SB 184-FN, adopting the Uniform Child-Custody Jurisdictional Enforcement Act. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Children and Family Law: The committee voted to ITL this bill which would have recodified RSA 458-A because it was felt that the recodification done in 1998 reflects the work done by the National Conference of Commissioners on Uniform State Laws in 1997. Vote 16-1.

SB 73, relative to market conduct record retention and production. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Clark for Commerce: This bill deals with market conduct and record retention. Record retention was increased from 3 years to 5 years for policy record files, declined underwriting files, claim files and complaint records. Vote 16-2.

Amendment (1349h)

Amend RSA 400-B:3, III and IV as inserted by section 1 of the bill by replacing it with the following:

III. These records shall be retained for the current year plus 5 years.

IV. The producer of record, if the insurer does not maintain such information, shall maintain a file for each policy sold, and the file shall contain all work papers and written communications in his or her possession pertaining to the policy documented therein. These records shall be retained for the current year plus 5 years.

Amend RSA 400-B:4, I as inserted by section 1 of the bill by replacing it with the following:

I. A policy record file shall be maintained for each policy issued, and shall be maintained for the duration of the current policy term plus 5 years, or for life insurance policies and annuity contracts, for the time the policy or contract is in force and 5 years thereafter. Policy records shall be maintained to show clearly the policy period, basis for rating, and any imposition of additional exclusions from or exceptions to coverage. If a policy is terminated, either by the insurer or the policyholder, documentation supporting the termination and account records indicating a return of premiums, if any, shall also be maintained. Policy records need not be segregated from the policy records of other states if the records are readily available to market conduct examiners as required under this chapter.

Amend RSA 400-B:4, III as inserted by section 1 of the bill by replacing it with the following:

III. A declined underwriting file shall be maintained and shall include an application, any documentation substantiating the decision to decline an issuance of a policy, any binder issued without the insurer issuing a policy, any documentation substantiating the decision not to add additional coverage when requested and, if required by law, any declination notification. Notes regarding requests for quotations that do not result in a completed application for coverage need not be maintained for purposes of this chapter. The insurer shall retain declined underwriting files for the current year plus 5 years.

Amend the introductory paragraph of RSA 400-B:5, I as inserted by section 1 of the bill by replacing it with the following:

I. A claim file and accompanying records shall be maintained for the calendar year in which the claim is closed plus 5 years. The claim file shall be maintained to show clearly the inception, handling, and disposition of each claim. The claim file shall be sufficiently clear and specific so that pertinent events and dates of these events can be reconstructed. A claim file shall, at a minimum, include the following items:

Amend RSA 400-B:7 as inserted by section 1 of the bill by replacing it with the following:

400-B:7 Complaint Records. The complaint records required to be maintained under RSA 417 shall include a complaint log or register, or grievance log or register for health insurers, in addition to the actual written complaints. The complaint log or register shall show clearly the total number of complaints for the current year plus the immediately preceding 5 years, the classification of each complaint by line of insurance and by complainant, the nature of each complaint, the insurer's disposition of each complaint, and the complaint number assigned by the department, if

applicable. If the insurer maintains the file in a computer format, the reference in the complaint log or register for locating the documentation shall be an identifier such as the policy number or other code. The codes shall be provided to the examiners at the time of an examination.

Amend RSA 400-B:10, II as inserted by section 1 of the bill by replacing it with the following:

II. As a means to facilitate the examination and to aid in the examination in accordance with RSA 400-A:37, an insurer shall provide any requested document or written response to an inquiry submitted by an examiner within 10 working days, or such other time period as mutually agreed upon by the examiner and the insurer. When the requested document or response is not produced by the insurer within the specified time period, a violation shall be deemed to have occurred unless the insurer can demonstrate to the satisfaction of the commissioner that the requested record cannot reasonably be provided within the specified time period of the request.

SB 74, making certain technical changes in the insurance laws. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Clark for Commerce: This bill is a technical corrections bill at the request of the insurance department. It deals with the release of claims data from the comprehensive healthcare information system and adopting rules for their release. There was also adoption of rules relative to insurance regulation dealing with language consistency. Vote 18-0.

Amendment (1334h)

Amend the bill by deleting section 7 and renumbering the original sections 8-21 to read as 7-20, respectively.

Amend the bill by replacing section 16 with the following:

16 Exceptions to Rulemaking; Insurance. Amend RSA 541-A:21, VI to read as follows:

VI. Rules adopted under title XXXVII, relative to insurance regulation, shall be exempt from ~~[the uniform system of numbering and drafting rules required by]~~ *RSA 541-A:7 and RSA 541-A:8* ~~[These rules shall be in compliance with RSA 541-A:7] and shall permit the use of terminology allowing for discretionary authority by the commissioner~~ if the wording is consistent with the language of ~~[the]~~ corresponding National Association of Insurance Commissioners ~~[regulations]~~ *models*.

Amend the bill by replacing all after section 19 with the following:

20 Comprehensive Health Care System; Rulemaking. Amend RSA 420-G:11-a to read as follows:

420-G:11-a Development of a Comprehensive Health Care Information System.

I. The department and the department of health and human services shall enter into a memorandum of understanding for collaboration in the development of a comprehensive health care information system. The memorandum of understanding shall include a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of limited use data sets, the criteria and procedures to ensure that Health Information Privacy and Accountability Act (HIPAA) compliant limited use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system. To the extent allowed by HIPAA, the data shall be available as a resource for insurers, employers, providers, purchasers of health care, and state agencies to continuously review health care utilization, expenditures, and performance in New Hampshire and to enhance the ability of New Hampshire consumers and employers to make informed and cost-effective health care choices. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size. Notwithstanding HIPAA or any other provision of law, the comprehensive health care information system shall not include or disclose any data that contains direct personal identifiers. For the purposes of this section, "direct personal identifiers" include information relating to an individual that contains primary or obvious identifiers, such as the individual's name, street address, e-mail address, telephone number, and social security number.

II. *The commissioner of the department of health and human services, with the approval of the commissioner of the insurance department, shall adopt rules, under RSA 541-A, as may be necessary to provide for the release of claims data from the comprehensive health care information system (CHIS).*

21 Managed Care Law; Grievance Procedures. Amend RSA 420-J:5, V(e) to read as follows:

(e)(I) ~~[In any case where]~~ *If* a carrier or other licensed entity provides 2 *mandatory* levels of appeal, the first level shall be completed within 15 days and the second level completed within the 30-day time period beginning from the initial date of filing the appeal or grievance. *If a car-*

rier or other licensed entity provides a single mandatory level of appeal, the single mandatory level shall be completed within the 30-day time period beginning from the initial date of filing the appeal. With respect to a mandatory second level of appeal involving a claim for continuation of services or urgent care, the carrier or other licensed entity shall make a decision and notify the claimant within 72 hours after the mandatory second level appeal is filed. For appeals involving post service claims, the carrier shall make a decision and notify the claimant within 60 days of the date the completed appeal was filed.

(2) *Subparagraph (e)(1) shall not prohibit a carrier or other licensed carrier from offering additional voluntary levels of appeal in addition to any mandatory levels of appeal offered, provided that:*

(A) *The claimant may elect to pursue any additional level of appeal under this subparagraph voluntarily;*

(B) *A carrier may not assert failure to exhaust administrative remedies where a claimant elects to pursue a claim through other venues rather than through the voluntary level of appeal;*

(C) *Any statute of limitations or time limits to pursue other remedies shall be tolled during the voluntary appeals process;*

(D) *Voluntary levels of appeal are available only after a claimant has completed required mandatory levels of appeal required under the plan or by regulation;*

(E) *The carrier provides a claimant with sufficient information to make an informed decision whether to submit the claim through any voluntary appeals process;*

(F) *No fees or costs are imposed on the claimant as part of any voluntary appeals process; and*

(G) *Any voluntary level of appeal requested by a claimant under this subparagraph shall be completed within 30 days from the date of the request for the voluntary appeal.*

22 Managed Care Law; Right to External Review. Amend RSA 420-J:5-a, I(c) to read as follows:

(c)(1) The covered person or the covered person's authorized representative has submitted the request for external review in writing to the commissioner within 180 days of the date of the carrier or other licensed entity's ~~[second level]~~ denial decision provided pursuant to RSA 420-J:5, or if the carrier or other licensed entity has failed to make a first or second level, standard or expedited review decision that is past due, within 180 days of the date the decision was due;

(2) *The covered person's or covered person's authorized representative's participation in any voluntary level of appeal offered by a carrier or other licensed entity pursuant to RSA 420-J:5, V(e)(2) shall not affect a covered person's ability to submit a request for external review. In the event that a covered person or covered person's authorized representative elects to proceed with a voluntary appeal, that person shall have 180 days from the date the decision is rendered on the voluntary appeal to submit a request for external review.*

23 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes certain technical changes in the insurance laws, including but not limited to:

I. Clarifying the law regarding insurance premium refunds.

II. Changing the time frame for when a producer must report any administrative action taken against the producer in another jurisdiction.

III. Revising the laws relating to forms and rate regulation applicable to workers' compensation.

IV. Repealing the prospective repeal of the law allowing voluntary small employer health insurance purchasing alliances.

V. Clarifying the managed care law relative to grievance procedures.

This bill is a request of the insurance department.

SB 111, relative to persons conducting securities broker-dealer and investment advisor businesses. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Clark for Commerce: This bill clarifies the requirements regarding insurance and securities disclosures given to consumers in advertising. Specifically it exempts disclosure in media, television and billboard advertising when no specific product is offered to the consumer. The securities bureau gave assurances that this provision is not intended to apply to retirement plan administration that is required by the federal government. Vote 18-0.

Amendment (1444h)

Amend the bill by replacing section 1 with the following:

I Securities; Licensing Requirements; Certain Advertising Excepted. Amend RSA 421-B:6, V(b) to read as follows:

(b) It is prohibited for any branch office or agent of a broker-dealer or investment adviser to conduct a securities or investment advisory business in this state under any name other than that of the broker-dealer or investment adviser with which the branch office is associated or agent is licensed. If more than one business enterprise is conducted from a branch office location, disclosures shall clearly ~~and equally~~ set forth what business activity is conducted by each organization and each licensed agent's relationship to each organization; *provided, however, that this requirement shall not apply to television, radio, or billboard advertising that pertains exclusively to a non-securities product.*

AMENDED ANALYSIS

This bill prohibits any branch office or agent of a broker-dealer or investment advisor from conducting a securities or investment advisory business under any name other than that of the broker-dealer or investment advisor with which it is associated. This bill also exempts television, radio, and billboard advertising from the requirement that it set forth the business activity conducted and certain agency relationships when the advertising pertains to a non-securities product.

SB 223-FN, relative to licensing nondepository mortgage bankers and brokers. OUGHT TO PASS WITH AMENDMENT

Rep. Tara G. Reardon for Commerce: This bill modernizes the banking statutes. Among its provisions is allowing for criminal background checks of applicants to a nationwide search, and incorporating a mechanism to collect the costs of audits done beyond our borders. Otherwise the changes make the language consistent among the chapters regulated by the banking department. Vote 18-0.

Amendment (1564h)

Amend RSA 397-A:5 as inserted by section 6 of the bill by inserting after paragraph V the following new paragraph:

VI. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis. Amend RSA 397-A:17, VII as inserted by section 22 of the bill by replacing it with the following:

VII. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a ~~[first]~~ mortgage broker or ~~[first]~~ mortgage banker, or cannot be located after reasonable search, the commissioner may by order revoke the license, *impose penalties*, or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 *calendar* days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

Amend RSA 399-A:3, I(a) as inserted by section 27 of the bill by replacing it with the following:

I.(a) Every applicant for licensing under this chapter shall file with the commissioner a written verified application, on a form prescribed by the commissioner. The application shall contain the name of the applicant; the address where the business is or is to be conducted and similar information for any branch office of the applicant; the trade name, if any, under which the applicant proposes to conduct such business; the articles of incorporation or organization or partnership agreement; the name and address of the New Hampshire resident agent if the applicant is a foreign entity; and such other pertinent information as the commissioner may require. The application shall include the names of the applicant's principals and the name of any person occupying a similar status or performing similar functions. Each such principal shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals and whether the applicant or any of its principals have been convicted of a misdemeanor involving the lending industry or any

aspect of the lending business or of any felony. Each applicant and licensee who conducts payday or title loan lending shall maintain an office in this state that is accessible to consumers. Persons subject to this chapter shall be responsible for the supervision of their employees, agents, and branch offices. Each initial and renewal license application shall be accompanied by a nonrefundable application fee of \$450 for the principal place of business of the licensee and the sum of \$450 for each branch of such licensee maintained in this state.

Amend the bill by replacing section 29 with the following:

29 Examinations and Investigations; Other States and Federal Agencies. Amend RSA 399-A:10, I and II to read as follows:

I. The commissioner or the commissioner's duly authorized representative may at any time, and shall periodically, with or without notice to the licensee or person, examine the business affairs of any licensee or any other person subject to this chapter, whether licensed or not, as the commissioner deems necessary to determine compliance with this chapter and the rules adopted pursuant to it. In determining compliance, the commissioner or the duly authorized representative may examine the books, accounts, records, files, and other documents, whether electronically stored or otherwise, and any other matters of any licensee or person. The commissioner or the duly authorized representative shall have and be given free access to the office and places of business, files, safes, and vaults of all such persons, and shall have authority to require the attendance of any person and to examine him or her under oath relative to such loans or such business or to the subject matter of any examination or investigation and shall have authority to require the production of books, accounts, papers, and records of such persons. *The commissioner may, in his or her discretion, accept all or part of a report of examination of a small loan lender, certified to by the regulatory supervisory official of another state. To avoid unnecessary duplication of examinations, the commissioner, insofar as he or she deems it practicable in administering this section, may cooperate with the regulators of other states, the Federal Trade Commission, other federal regulators, or their successors in conducting examinations and investigations.*

II. Every person being examined, and all of the officers, directors, employees, agents, and representatives of such person shall make freely available to the commissioner or the commissioner's examiners the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination and shall facilitate the examination. The expense of such examination shall be chargeable to and paid by the licensee or person being examined. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11, *except when the principal office of the licensee or person is located outside of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals, and other expenses of examination personnel making the examination, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.*

Amend the bill by replacing section 34 with the following:

34 License Application; Requirements; Investigation; Additional Information Required. The introductory paragraph of RSA 399-D:5, II is repealed and reenacted to read as follows:

II. To be considered for licensing, each person, firm, or corporation shall file with the department one verified application on a form prescribed by the commissioner. At a minimum, the application shall be in writing, setting forth the primary business address of the applicant, the address of its principal office and all branch offices located or to be located within the state, and a list of the principals and the name of any person occupying a similar status or performing similar functions. Each principal shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, qualifications, and business history of the applicant and those persons listed in the application, and the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals and whether the applicant or any of its principals have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony. Each application shall designate the name and address of the manager or person in charge at each licensed

location and shall contain other information required by rules adopted under this chapter. The applicant shall submit any other information that the commissioner may require. In addition: Amend the introductory paragraph of RSA 361-A:2, II(a) as inserted by section 38 of the bill by replacing it with the following:

II.(a) The application for such license shall be in writing and verified on a form prescribed by the commissioner. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the trade name, if any, under which the applicant proposes to conduct such business; and such other pertinent information as the commissioner may require. The application shall include a list of the names and resident addresses of principals and the name of any person occupying a similar status or performing similar functions. Each principal shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and those persons listed in the application, and in the case of sales finance companies, the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals listed in the application and whether the applicant or any of its principals have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony.

Amend the bill by replacing section 43 with the following:

43 Examinations; Other States and Federal Regulators. Amend RSA 361-A:6-a, IV to read as follows:

IV. The expense of such examination shall be chargeable to and paid by the sales finance company licensee or person. The procedure for such payment shall be the same as for payments by ~~[other licensees of the department]~~ *institutions* for cost of examinations *under RSA 383:11, except when the principal office of the licensee or person is located outside of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals, and other expenses of examination personnel making the examination, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.*

IV-a. The commissioner may, in his or her discretion, accept all or a part of a report of examination of a sales finance company, certified to by the regulatory supervisory official of another state. To avoid unnecessary duplication of examinations, the commissioner, insofar as he or she deems it practicable in administering this section, may cooperate with the regulators of other states, the Federal Trade Commission, other federal regulators, or their successors in conducting examinations and investigations.

Amend the bill by inserting after section 58 the following and renumbering the original sections 59 and 60 to read as 87 and 88, respectively:

59 Examinations; Expenses. RSA 397-A:12, V is repealed and reenacted to read as follows:

V. The expense of such examination shall be chargeable to and paid by the licensee. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11, except when the principal office of the licensee or person is located outside of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals and other expenses of examination personnel making the examination, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.

60 License Revocation; Suspension. Amend the introductory paragraph of RSA 397-A:17, I to read as follows:

I. The commissioner may issue an order requiring ~~[the]~~ *a* person to whom any license has been granted *or any person under the commissioner's jurisdiction* to show cause why the license should not be revoked, *suspended, or penalties imposed, or both, for violations of this chapter.* The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any license *or application* pending final determination of any order to show cause, *or other order*, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the

commissioner shall promptly notify the *respondent*, applicant, or licensee that the order has been entered and of the reasons for the order and that within 10 *calendar* days after receipt of a written request the matter will be scheduled for hearing. *Valid* delivery of such order shall be by hand or ~~[registered]~~ *certified* mail at the *last known* principal office of the licensee ~~[-Delivery of such order]~~, or *respondent*, to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee ~~[shall be deemed a valid delivery of the order]~~ or *respondent*. If the person to whom an order to show cause or *other order* is issued fails to request a hearing within 30 *calendar* days of receipt or *valid delivery* of the order ~~[or within 10 days of valid delivery of the order]~~ and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, *if requested* shall be ~~[held]~~ *scheduled* not later than 10 *calendar* days after the *written* request for such hearing is received by the commissioner, after which and within 20 *calendar* days ~~[of]~~ from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the ~~[person to whom the license was granted]~~ *licensee or respondent* fails to request a hearing within 30 calendar days of receipt or *valid delivery* of such order or fails to appear at a hearing after being duly notified, *or cannot be located after a reasonable search*, such person shall be deemed in default and the proceeding may be decided against ~~[him or her]~~ *the person* upon consideration of the order to show cause or *other order*, the allegations of which may be deemed to be true. The commissioner may by order, upon due notice and opportunity for hearing, assess penalties or deny, suspend, or revoke a license or *application* if it is in the public interest and the applicant, *respondent*, or licensee, any partner, officer, *member*, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, *respondent*, or licensee:

61 New Paragraph; Definitions; Department. Amend RSA 399-A:1 by inserting after paragraph III the following new paragraph:

III-a. "Department" means the banking department.

62 Definitions; Principal. RSA 399-A:1, XIII is repealed and reenacted to read as follows:

XIII. "Principal" of the applicant or licensee means an owner with 10 percent or more ownership interest, corporate officer, director, member, general or limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the applicant or licensee, senior manager, New Hampshire branch manager, and any person occupying similar status or performing similar functions.

63 New Paragraph; Application and Fees; Use of National Organization. Amend RSA 399-A:3 by inserting after paragraph III the following new paragraph:

IV. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis.

64 Denial, Suspension, or Revocation of Licenses; Hearing Added. Amend the introductory paragraph of RSA 399-A:7 to read as follows:

1. The commissioner may by order, *upon due notice and opportunity for a hearing, assess penalties or* deny, suspend, or revoke any license or application if ~~[the commissioner finds that the order]~~ it is in the public interest and the applicant, *respondent*, or licensee, any partner, *member*, officer or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, *respondent*, or licensee:

65 Denial, Suspension, or Revocation of Licenses; Person Under the Jurisdiction of the Commissioner Added. RSA 399-A:7, II is repealed and reenacted to read as follows:

II. The commissioner may issue an order requiring a person to whom any license has been granted or any person under the commissioner's jurisdiction to show cause why the license should not be suspended or revoked or penalties should not be imposed, or both, for violations of this chapter. The order shall give reasonable notice of the opportunity for a hearing, and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any license or application pending final determination of any order to show cause, or other order, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the commissioner shall promptly notify the respondent, applicant, or licensee that the order has been entered and of the reasons for the order and that within 10 calendar days after receipt of a written request the

matter will be scheduled for hearing. Valid delivery of such order shall be by hand or certified mail at the last known principal office of the licensee or respondent or to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee or respondent. If the person to whom an order to show cause or other order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, if requested, shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner, after which and within 20 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or respondent fails to request a hearing within 30 calendar days of receipt or valid delivery of such order or fails to appear at a hearing after being duly notified, or cannot be located after a reasonable search, such person shall be deemed in default and the proceeding may be decided against the person upon consideration of the order to show cause or other order, the allegations of which may be deemed to be true.

66 Denial, Suspension, or Revocation of Licenses; Imposition of Penalties Added. Amend RSA 399A:7, V to read as follows:

V. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a small loan lender, payday loan lender, or title loan lender, or cannot be located after reasonable search, the commissioner may by order revoke the license, *impose penalties*, or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 *calendar* days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

67 New Paragraph; Definitions; Department. Amend RSA 399-D:2 by inserting after paragraph V the following new paragraph:

V-a. "Department" means the banking department.

68 New Paragraph; Definitions; Principal Added. Amend RSA 399-D:2 by inserting after paragraph VII the following new paragraph:

VII-a. "Principal" of the applicant or licensee means an owner with 10 percent or more ownership interest, corporate officer, director, member, general or limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the applicant or licensee, senior manager, New Hampshire branch manager, and any person occupying similar status or performing similar functions.

69 New Subparagraphs; License Application; Background Investigation. Amend RSA 399-D:5, II by inserting after subparagraph (e) the following new subparagraphs:

(f) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation.

(g) The persons described in subparagraph II(f) shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

(h) The department shall submit the criminal history records release form to the New Hampshire division of state police, which shall conduct a criminal history records check through its

records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(i) The department may require the applicant or licensee to pay the actual costs of each background investigation and criminal history records check.

70 New Paragraph; License Application; Use of National Organization. Amend RSA 399-D:5 by inserting after paragraph IV the following new paragraph:

V. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis.

71 License Denial, Revocation, or Suspension. The introductory paragraph of RSA 399-D:13, I is repealed and reenacted to read as follows:

I. The commissioner may issue an order requiring a person to whom any license has been granted or any person under the commissioner's jurisdiction to show cause why the license should not be revoked or penalties should not be imposed, or both, for violations of this chapter. The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any license or application pending final determination of any order to show cause, or other order, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the commissioner shall promptly notify the respondent, applicant, or licensee that it has been entered and of the reasons for the order and that within 10 calendar days after receipt of a written request the matter will be scheduled for hearing. Valid delivery of such order shall be by hand or certified mail at the last known principal office of the licensee or respondent or to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee or respondent. If the person to whom an order to show cause or other order fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, if requested, shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner, after which and within 20 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or respondent fails to request a hearing within 30 calendar days of receipt or valid delivery of such order or fails to appear at a hearing after being duly notified, or cannot be located after a reasonable search, such person shall be deemed in default and the proceeding may be decided against the person upon consideration of the order to show cause or other order, the allegations of which may be deemed to be true. The commissioner may by order, upon due notice and opportunity for a hearing, assess penalties, deny, suspend, or revoke a license or application if it is in the public interest, or any combination of the foregoing and the applicant, licensee or respondent, any partner, officer, member, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, licensee or respondent:

72 License Denial, Revocation, or Suspension; Imposition of Penalties Added. Amend RSA 399-D:13, VII to read as follows:

VII. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a debt adjuster, or cannot be located after reasonable search, the commissioner may by order revoke the license, *impose penalties*, or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if the applicant fails to respond in writing within 180 *calendar* days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

73 Examinations and Investigations; Expenses. RSA 399-D:22, VII is repealed and reenacted to read as follows:

VII. The expense of such examination shall be chargeable to and paid by the licensee. The procedure for such payment shall be the same as for payments by institutions for the cost of examinations under RSA 383:11, except when the principal office of the licensee or person is located outside

of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals, and other expenses of examination personnel making the examination, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.

74 New Paragraph; Definitions; Department Added. Amend RSA 361-A:1 by inserting after paragraph III-a the following new paragraph:

III-b. "Department" means the banking department.

75 Definitions; Principal Added. Amend RSA 361-A:1, VIII-a to read as follows:

VIII-a. "**Principal**" of the applicant or licensee means an owner with 10 percent or more ownership interest, corporate officer, director, member, general or limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the applicant or licensee, senior manager, New Hampshire branch manager, and any person occupying similar status or performing similar functions.

VIII-b. "Principal office" means the main office location of a person required to be licensed under this chapter.

76 New Paragraph; Licensing of Sales Finance Companies and Retail Sellers Required; Use of National Organization. Amend RSA 361-A:2 by inserting after paragraph XIV the following new paragraph:

XV. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis.

77 Suspension or Revocation of Licenses; Any Person Under the Commissioner's Jurisdiction Added. RSA 361-A:3, I is repealed and reenacted to read as follows:

I. The commissioner may issue an order requiring a person to whom any license has been granted or any person under the commissioner's jurisdiction to show cause why the license should not be revoked or penalties should not be imposed, or both, for violations of this chapter. The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any license or application pending final determination of any order to show cause, or other order, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the commissioner shall promptly notify the respondent, applicant, or licensee that the order has been entered and of the reasons for the order and that within 10 calendar days after receipt of a written request the matter will be scheduled for a hearing. Valid delivery of such order shall be by hand or certified mail at the last known principal office of the licensee or respondent or to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee or respondent. If the person to whom an order to show cause or other order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, if requested, shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner, after which and within 20 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or respondent fails to request a hearing within 30 calendar days of receipt or valid delivery of such order or fails to appear at a hearing after being duly notified, or cannot be located after a reasonable search, such person shall be deemed in default and the proceeding may be decided against the person upon consideration of the order to show cause, or other order, the allegations of which may be deemed to be true.

78 Suspension or Revocation of Licenses; Parties Added. Amend the introductory paragraph of RSA 361-A:3, I-a to read as follows:

I-a. The commissioner may, by order, deny, suspend, or revoke any license or application if the commissioner finds that the order is in the public interest and the applicant, **respondent**, or licensee, any partner, officer, **member**, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, **respondent**, or licensee:

79 Suspension or Revocation of Licenses; Imposition of Penalties Added. Amend RSA 361-A:3, IV to read as follows:.

IV. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a retail seller or sales finance company, or cannot be located after reasonable search, the commissioner may by order revoke the license, *impose penalties*, or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 *calendar* days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

80 New Paragraph; Definitions; Department Added. Amend RSA 397-B:1 by inserting after paragraph I the following new paragraph:

I-a. "Department" means the banking department.

81 New Paragraph; Definitions; Principal Added. Amend RSA 397-B:1 by inserting after paragraph IV the following new paragraph:

V. "Principal" of the applicant or licensee means an owner with 10 percent or more ownership interest, corporate officer, director, member, general or limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the applicant or licensee, senior manager, New Hampshire branch manager, and any person occupying similar status or performing similar functions.

82 Administration by Commissioner; Rulemaking; Imposition of Penalties Added. Amend RSA 397B:3, VII to read as follows:

VII. If the commissioner finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a mortgage servicing company, or cannot be located after reasonable search, the commissioner may by order revoke the registration, *impose penalties*, or deny the application. The commissioner may deem abandoned and withdraw any application for registration made pursuant to this chapter, if any applicant fails to respond in writing within 180 *calendar* days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

83 Administration by Commissioner; Rulemaking; Procedures. RSA 397-B:3, VIII is repealed and reenacted to read as follows:

VIII. The commissioner may issue an order requiring a person to whom any registration has been granted or any person under the commissioner's jurisdiction to show cause why the registration should not be revoked or penalties should not be imposed, or both, for violations of this chapter. The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any application or registration pending final determination of any order to show cause, cease and desist, or other order, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. A registration may be revoked for violations of this chapter or any rule or order thereunder. The commissioner may issue a cease and desist order against any registrant or person whom he or she has reasonable cause to believe is in violation of the provisions of this chapter or any rule or order under this chapter. Upon entry of an order, the commissioner shall promptly notify the respondent, applicant, or registrant that the order has been entered and of the reasons for the order and that within 10 calendar days after receipt of a written request the matter will be scheduled for hearing. Valid delivery of such orders shall be by hand or certified mail at the last known principal office of the applicant, registrant, or respondent or to an officer, director, 5 percent or more owner, member, partner, or legal representative of the registrant, applicant, or respondent. If the person to whom an order to show cause, cease and desist, or other order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, if requested, shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner after which and within 20 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or respondent fails to request a hearing within 30 calendar days of receipt or valid delivery of such order or fails to appear at

a hearing after being duly notified, or cannot be located after a reasonable search, such person shall be deemed in default and the proceeding may be decided against the person upon consideration of the order to show cause, cease and desist, or other order, the allegations of which may be deemed to be true.

84 Administration by Commissioner; Rulemaking; Hearing Added. Amend the introductory paragraph of RSA 397-B:3, IX to read as follows:

IX. The commissioner may by order, *after notice and opportunity for hearing, assess penalties* or deny, suspend, or revoke any registration or application if the commissioner finds that the order is in the public interest and the applicant or registrant, any partner, officer, *member*, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, *respondent*, or registrant:

85 New Paragraph; Registration; Use of National Organization. Amend RSA 397-B:4 by inserting after paragraph II the following new paragraph:

III. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis.

86 Prohibited Pledges; Statutory Reference Changed. Amend RSA 398:2, II to read as follows:

II. In excess of 4 motor vehicles or titles to motor vehicles, as defined in RSA 361-A:1, [~~V~~]VII; Amend the bill by replacing section 88 with the following:

88 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Makes RSA 397-A applicable to all mortgages.

II. Requires background checks for principals of certain financial businesses regulated by the commissioner.

III. Increases the fee for mortgage banker and broker licenses.

IV. Adds agents and originators to the persons covered by mortgage licenses.

V. Clarifies the limits of certain time periods.

VI. Allows the commissioner to accept examinations of financial condition conducted by regulators in other states and the federal government.

VII. Allows the commissioner to share information with regulators in other states and the federal government.

VIII. Repeals the chapter relative to second mortgage home loans.

IX. Allows the commissioner to use certain national organizations to facilitate licensing.

This bill is a request of the banking department.

SB 179, requiring hunters to report the death or injury of domestic animals. OUGHT TO PASS WITH AMENDMENT

Rep. James G. Phinizy for Environment and Agriculture: This bill outlines the steps that a responsible hunter should follow reporting the death or injury of a domestic animal. The bill, as amended, was approved jointly by members of the committees on Environment and Agriculture (18-0) and Fish and Game (8-0) after work by a joint subcommittee. Vote 18-0.

Amendment (1423h)

Amend the bill by replacing all after the enacting clause with the following:

I Shooting Domestic Animals; Liability. RSA 207:39-a is repealed and reenacted to read as follows:

207:39-a Shooting Domestic Animals; Liability. Any person, while actually engaged in hunting or in the pursuit of wild animals or wild birds, who causes death, injury, or damage to domestic animals, ducks, or fowl shall be liable for damages to the owner of the animals.

2 New Sections; Reporting the Death or Injury of Domestic Animals. Amend RSA 207 by inserting after section 39-a the following new sections:

207:39-b Intentional or Negligent Shooting of Domestic Animals; Penalty. Any person, while actually engaged in hunting or in pursuit of wild animals or wild birds who knowingly or purposely causes death, injury, or damage to such domestic animals, ducks, or fowl through the discharge of a firearm or bow and arrow may have his or her license to hunt revoked and he or she may not be granted a license to hunt for a period not to exceed 5 years. The provisions of this section shall not apply to a hunter killing or injuring his or her own animal or a borrowed animal or one used by another

member of the same hunting party, other than being liable to the owner of the animal. The executive director of the fish and game department may make such revocation and suspension of the privilege of obtaining a license and determine the term of such suspension when, in the executive director's opinion, reasonable evidence of a violation of the provisions of this section exist.

207:39-c Reporting the Death or Injury of Domestic Animals. Any person who negligently or accidentally causes death, injury, or damage to domestic animals through the discharge of a fire-arm or bow and arrow shall immediately report the death, injury, or damage to the local police department, and in the case of injury to such domestic animals, shall render aid to the animal in an attempt to save the animal's life.

3 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill requires hunters to render aid and to report the death or injury of domestic animals.

SB 201, making technical corrections to certain environmental laws and the small business technical assistance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betty B. Hall for Environment and Agriculture: This bill makes technical corrections requested by the Department of Environmental Services. It also allows for innovative environmental compliance programs for small business. Vote 18-0.

Amendment (0648h)

Amend RSA 21-O:19, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Provide small business advocacy and representation on environmentally related activities within the department.

Amend RSA 147-A:5, IV(f) as inserted by section 4 of the bill by replacing it with the following:

(f) Small quantity hazardous waste generators that are participants in a department developed multi-media compliance assurance program referred to as an environment results program, or ERP, shall be exempt from this paragraph.

SCR 1, endorsing a farm viability task force. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jane E. Beaulieu for Environment and Agriculture: This resolution recognizes that farming and other agricultural interests need much more attention as they are a vital part of New Hampshire's economy. Agriculture is intertwined with many different state agencies and programs. There is also a need to identify current and potentially burdensome rules and regulations. The committee feels the State of New Hampshire must assist in promoting and expanding agricultural based tourism, community supported agriculture, farmers' markets, farm stands and pick-your-own enterprises. Vote 18-0.

Amendment (0714h)

Amend the resolution by replacing all after the resolving clause with the following:

That a farm viability task force comprised of 15 people be established by the governor, which would include agricultural agencies and all agricultural interests, and to include in its duties:

I. Reviewing and utilizing the 1979 New Hampshire food policy committee report, studying and documenting the role and contributions New Hampshire agriculture plays in a healthy and safe local food supply and in maintaining open space; and

II. Exploring the need and options for funding the University of New Hampshire cooperative extension agriculture positions; and

III. Studying the applicability and benefit of the farm viability programs found in our neighboring states to New Hampshire agriculture; and

IV. Identifying current and potentially burdensome rules and regulations to agriculture and ways the state of New Hampshire can assist; and

V. Promoting and expanding agricultural based tourism, community supported agriculture, farmers' markets, farm stands, agricultural fairs, the horticulture industry, and pick-your-own enterprises.

SB 70, relative to the powers of special corporations. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill would allow special corporations which are non profit corporations contained in RSA 292:1, to modify and expand their mission statements, in compliance with the theme of their original mission, subject to appropriate authority approval by the director of charitable trusts in the department of justice or the

probate court when and where appropriate. This must be done prior to the trustees of the trust taking a vote on the change. The amendment to this bill requires that public notification be placed in a newspaper of general circulation by the trustees upon application for change to the director of charitable trusts. It is the intent of this act to allow such organizations to keep up with and accommodate social changes while complying with their original basic mission. Vote 17-0.

Amendment (1566h)

Amend RSA 292:8-1, II as inserted by section 1 of the bill by replacing it with the following:

II. Change its purpose by a majority vote of said corporation. A written notice of the proposed change shall be provided to the director of charitable trusts, department of justice and the notice of proposed changes shall be published in a newspaper of general circulation by the trustees at least 30 days before the vote is taken. If legal cause exists which would prevent the proposed change in purpose, the director of charitable trusts shall have 30 days to notify the corporation of any additional requirements. A certified copy of the vote shall be filed in the office of the secretary of state. The fee for recording said certified copy in the office of the secretary of state shall be \$10. Nothing in this paragraph shall be construed to supercede the intent of RSA 7:19 – RSA 7:32-a.

AMENDED ANALYSIS

This bill establishes a procedure for non-profit corporations to extend their powers.

SB 79, relative to the governance of the regional community-technical colleges. OUGHT TO PASS WITH AMENDMENT

Rep. James B. Coburn for Executive Departments and Administration: This bill supports the board of trustees' plan for expanding community awareness in all seven major locations and in expanding the college offerings to satisfy local community needs. The bill expands the number of college presidents from four to seven by assigning a president to each major location, to be paid from increased enrollment and tuitions. It also increases the number of board members from the general public from two to five, provides the board with more authority in determining the future organization and administrative structure of the system, and defines how various positions are nominated and approved. Finally, the bill removes the site specific titles for the presidents and creates a generic title: president, regional community- technical college. The committee applauds the efforts of the board to expand the role of the regional-technical colleges in meeting specific regional community technical education needs. Vote 16-0.

Amendment (1625h)

Amend the bill by replacing all after section 3 with the following:

4 New Paragraph; Regional Community-Technical Colleges; Duties. Amend RSA 188-F:4-a by inserting after paragraph VI the following new paragraph:

VII. Submit recommendations, if any, for the nomination of a commissioner to the governor and council.

5 Department of Regional Community-Technical Colleges; Department Office. RSA 188-F:5 is repealed and reenacted to read as follows:

188-F:5 Department Office; Rulemaking.

I. The governor and council shall appoint a commissioner of regional community-technical colleges, who shall be the chief executive officer of the department. The commissioner shall be qualified by education and experience and shall have a 4-year term. The salary of the commissioner shall be that established in RSA 94:1-a.

II. The commissioner shall nominate a deputy commissioner, with the approval of the board of trustees, who shall be confirmed by the governor and council. The deputy commissioner shall serve at the pleasure of the board of trustees. The salary of the deputy commissioner shall be that established in RSA 94:1-a.

III. The commissioner shall nominate for appointment by the board of trustees, an unclassified director of financial management. The director shall serve at the pleasure of the board of trustees. The director shall be qualified to hold the position by reason of education and experience. The salary of the director shall be as specified in RSA 94:1-a. The director shall be responsible for the following functions:

(a) Human resources, employee relations, and payroll.

- (b) Accounts payable, including purchasing.
- (c) Accounts receivable, including tuition and student fees.
- (d) Financial analyses and financial control, including budget development and expenditure management.
- (e) Financial management of grants and development funds.

IV. The commissioner shall nominate for appointment by the board of trustees, an unclassified chief technology officer who shall serve at the pleasure of the board of trustees and who shall be qualified to hold the position by reason of education and experience. The chief technology officer shall be responsible for developing, enhancing, and maintaining the educational and administrative technological infrastructure needed for the community-technical college system to achieve its instructional and business goals, and for leading all aspects of the regional community-technical college system's information technology planning, resources, operations, and services. The salary of the chief technology officer shall be as specified in RSA 94:1-a.

V. The commissioner shall adopt rules, under RSA 541-A, relative to regulating the operation of the department and its institutions. Such rules shall include, but not be limited to:

- (a) The rights and responsibilities of students.
- (b) Admissions requirements.
- (c) Requirements for use of system facilities by outside parties.

6 Regional Community-Technical Colleges; Presidents. Amend RSA 188-F:8 to read as follows:
188-F:8 Presidents of the Regional Community-Technical Institute and Colleges. The commissioner shall nominate, subject to ~~[approval]~~ **confirmation** by the board of trustees, a president of each regional institution who shall ~~[be confirmed by the governor and council]~~ **report to the commissioner**. Presidents shall be qualified by education and experience and shall serve at the pleasure of the board of trustees. The salary of the presidents shall be established by **the board of trustees in accordance with** RSA 94:1-a.

7 Compensation of State Officers; Salary of Presidents of Community-Technical Colleges. Amend RSA 94:1-a, I(b) as follows:

Delete:

HH Department of regional community-technical colleges	president, Laconia and Berlin
HH Department of regional community-technical colleges	president, Nashua and Claremont
II Department of regional community-technical colleges	president, Concord
II Department of regional community-technical colleges	president, Manchester and Stratham

Insert in place thereof:

II Department of regional community-technical colleges	president, regional community-technical college
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8 Effective Date. This act shall take effect 60 days after its passage.

SB 115-FN, relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill was at the request of the Department of Environmental Services to "clean-up" issues generated when SB 534 passed in the last session transferred the asbestos program from the Department of Health and Human Services to the Department of Environmental Services. The asbestos advisory committee membership was increased by adding a Department of Transportation representative and Department of Environmental Services authority to impose fines and promulgate rules is clarified. Vote 15-3.

Amendment (1318h)

Amend RSA 141-E:3, V as inserted by section 5 of the bill by replacing it with the following:

~~(f)~~V. Conduct such medical and scientific studies of workers presently or previously exposed to asbestos material as necessary to fully understand, define, and describe the actual health consequences of such exposure in their workplaces. The commissioner ~~[of health and human services]~~ shall strive to determine before undertaking such studies that similar research has not already been performed or is not currently under review by other agencies.

SB 173, relative to exceptions to licensure for electricians. **OUGHT TO PASS**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill adds the exclusion from licensure the electrical installations in residential or commercial buildings performed by students in college vocational electrical programs and apprenticeship and training programs to the currently allowed installations by high school vocational electrical program performed under supervision of either a teacher holding an electrician's license or by a supervisor of students in cooperative educational placement for such programs. Vote 17-0.

SB 137-FN-A, relative to the Conway Branch railroad. **OUGHT TO PASS**

Rep. Linda T. Foster for Finance: This bill directs the Department of Transportation to research the availability of federal funds to rebuild and modernize the state-owned portion of the Conway Branch railroad and to issue a report detailing their findings. The report shall be distributed to the Speaker of the House, the President of the Senate and the Governor on or before June 30, 2006. Vote 21-0.

SB 199, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Finance: This bill, as amended, allows the community technical colleges to accept and expend government and private grants without the approval of the Governor and Council and exempts them from hiring delays, hiring and equipment freezes or budget reduction orders. Both exemptions are granted on a trial basis until July 1, 2007. It also allows the colleges to enter into food service, IT and advertising contracts without approval and protects the existing vending contracts with the sight-impaired. The committee deleted the provision that would have allowed the colleges to be exempt from indirect administrative costs. The amended bill will allow the community technical colleges to better serve their students in a more effective, efficient and timely manner. Vote 21-0.

Amendment (1561h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Regional Community-Technical Colleges; Duties. Amend RSA 188-F:4-a by inserting after paragraph III the following new paragraph:

III-a. Accept and expend any moneys appropriated by or received from the United States government, and any private grant moneys received, without the approval of the governor and council, for the benefit and support of the regional community-technical colleges, and instruct the department of administrative services to establish new budget line items in the amount of any such grant as necessary to implement the grant.

2 New Paragraphs; Regional Community-Technical Colleges; Duties. Amend RSA 188-F:14-b by inserting after paragraph VII the following new paragraphs:

VIII. Enter into contracts, after competitive bidding pursuant to RSA 21-I, to provide food services at any of the regional community-technical college campuses.

IX. Notwithstanding the provisions of RSA 4-D, enter into contracts for the purchase and maintenance of information technology equipment, software, and any related products the commissioner deems necessary for the proper support and benefit of the regional community-technical colleges.

3 New Section; Regional Community-Technical Colleges; Exemptions. Amend RSA 188-F by inserting after section 13 the following new section:

188-F:13-a Exemptions. The department of regional community-technical colleges shall be exempt from any hiring delay, hiring freeze, or prohibition on equipment purchases issued by executive order, and shall further be exempt from any departmental budget reduction orders which may be issued during the fiscal year.

4 Repeal. The following are repealed:

I. RSA 188-F:4-a, III-a, relative to the authority of the regional community-technical colleges board of trustees to accept and expend any moneys appropriated by or received from the United States government, and any private grant moneys received, without the approval of the governor and council.

II. RSA 188-F:13-a, relative to the department of regional community-technical colleges' exemption from a hiring delay, hiring freeze, prohibition on equipment purchases, and departmental budget reduction order.

5 New Paragraph; Regional Community-Technical Colleges; Personnel. Amend RSA 188-F:13 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding RSA 4:15, the department of regional community-technical colleges shall have the authority to enter into contracts and expend funds related to advertising and marketing. All expenses shall be processed as unencumbered payments with the approval of the commissioner or designee.

6 Effective Date.

I. Section 4 of this act shall take effect July 1, 2007.

II. The remainder of this act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill allows the department of regional community-technical colleges to:

I. Accept and expend any federal moneys or private grant funds without the approval of the governor and council or meeting the computation of indirect costs requirements until July 1, 2007.

II. Enter into contracts for food services, after competitive bidding, at any of its campuses.

III. Be exempt from any hiring delay, hiring freeze, equipment purchase freeze, or budget reduction order until July 1, 2007.

IV. Enter into contracts and expend funds related to advertising and marketing without the approval of governor and council.

SB 80, permitting the Emerald Lake village district to enact and enforce regulations to protect its public water supply and to have a health officer. **INEXPEDIENT TO LEGISLATE**
Rep. Robert W. Brundige for Municipal and County Government: This bill would allow the Emerald Lake Village District to have authority to institute enforcement of any and all state laws that directly or indirectly protect public water supplies or their groundwater or surface water sources that, in this instance, includes over 1600 acres that is privately owned and outside the village district boundaries. RSA 485:48 sets up the procedures by which the Department of Environmental Services (DES) institutes a wellhead protection program in conjunction with the local community. RSA 483-B sets up procedures for shoreland protection for local land use board's adoption. RSA 485-C sets up the procedures to have the office of state planning assist municipalities to regulate and protect groundwater. This bill as originally proposed would have transferred all this local authority from the town of Hillsborough to the Emerald Lake Village District with no vote of the taxpayers in the town of Hillsborough. This bill also requested authority for the district to enforce state statutes for the control of junk yards and automotive recycling yards per RSA 236:90-129. This bill also sought a health officer position that would be deemed a deputy health officer of the town of Hillsborough with all the powers of a health officer within the Emerald Lake Village District boundaries. RSA 147:1 sets up the procedures where the health officer of a town makes rules and regulations with the approval of the governing body that are recorded by the town clerk and published in a town wide newspaper and posted in two public places permanently. The committee determined that any town health officer may employ as many assistants as deemed necessary per RSA 147:5. The committee feels that the Emerald Lake Village District would only need to place an article on the village district's warrant to appropriate the necessary funds to support the position of a deputy health officer as an employee of the town. This being said the committee feels that the bill is unnecessary. Vote 14-0.

SB 127-FN, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority. **OUGHT TO PASS WITH AMENDMENT**
Rep. James B. Rausch for Public Works and Highways: Section 1 of this legislation authorizes the Regional Community Technical Colleges to purchase the building at 320 Corporate Drive, Portsmouth, NH from the Pease Development Authority (PDA) for a sum not to exceed \$3,800,000. It also stipulates that prior to the building acquisition the PDA and Regional Community Technical College shall enter into a land lease agreement for a term of not less than 50 years for the 13 acres of land associated with 320 Corporate Drive. The annual lease shall be \$13,000 per acre and after 10 years will be adjusted by the CPI for each 5 year period thereafter. Section 1, additionally, makes provisions for a building and land lease should the building purchase not occur on or before July 1, 2005. The lease agreement in this case shall be \$675,000 per year. It is important to know that the money for the building purchase, land lease and provisional lease should the purchase not occur on July 1st are all in exchange for the state reducing the PDA's debt owed to

the state relative to start-up funding costs incurred by the state. That debt balance of interest and principle is currently \$21,127,901. Also, the land lease is necessary because federal requirements for support of the airport do not allow for the sale of real estate at the PDA. Section 2 of the legislation transfers the Regional Community Technical College campus from Stratham to Pease on or before July 1, 2009. It also stipulates that the Stratham campus be sold for not less than fair market value. The transfer of the campuses shall have Capital Budget Overview Committee review every 6 months until the transfer is complete. The real estate sale shall be subject to approval of the Long Range Capital Planning and Utilization Committee. Section 5 allows the library construction funds, originally appropriated for Stratham, to be transferred to the Pease campus for the purpose of a library expansion, academic program support and critical maintenance. Section 6 makes specific references to extending three lapse dates to June 30, 2007 for the capital appropriations needed to accomplish the purpose in Section 5. Section 7 allows the Community Technical College to use these funds at their discretion subject to approval of the Capital Budget Overview Committee. The committee felt strongly that moving the Community Technical College from Stratham to Pease and expanding the Pease campus is necessary. Sections 5, 6 and 7 are needed to upgrade the building at Pease as part of relocating the Stratham campus. This amendment in its entirety is structured to accomplish the task of merging two campuses into one for a more economic and efficient community technical college system. This amendment received unanimous support from the committee. Vote 16-0.

Amendment (1570h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the department of regional community-technical colleges acquisition of the building currently leased from the Pease development authority and relative to transferring the Stratham campus of the regional community-technical colleges to Pease.

Amend the bill by replacing all after the enacting clause with the following:

1 Acquisition of Property by the Department of Regional Community-Technical Colleges.

I. Notwithstanding RSA 12-G:8, V or any other provision of law, the Pease development authority shall transfer the building located on the premises at 320 Corporate Drive, Portsmouth, New Hampshire, to the department of regional community-technical colleges and the department of regional community-technical colleges shall acquire the building located on the premises at 320 Corporate Drive, Portsmouth, New Hampshire, from the Pease development authority for fair market appraised value, not to exceed \$3,800,000. In exchange, the state shall reduce by \$3,800,000 the Pease development authority's debt owed to the state relative to start-up funding costs under RSA 12-G:34; and 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. Prior to acquisition by the department of regional community-technical colleges, the Pease development authority shall obtain required federal approval for the sale proceeds to be used to reduce the Pease development authority's outstanding debt to the state.

II. Prior to acquisition by the department of regional community-technical colleges under paragraph 1, and notwithstanding RSA 4:39-b or any other provision of law, the department of regional community-technical colleges and the Pease development authority shall negotiate and execute a ground lease for a term of not less than 50 years with an option to extend the term of the lease, for the 12.79 acres on which the building known as 320 Corporate Drive is located. In exchange, the state shall reduce by the amount of the lease payments the Pease development authority's debt owed to the state relative to start-up funding costs under RSA 12-G:34; and 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. Ground lease payments shall be calculated as follows:

(a) For years 1 through 10, the annual lease payment amount shall be \$13,000 per acre, which also shall be the "base rate" for years 11 through 15 under subparagraph (b).

(b) For years 11 through 15, and for each 5-year period thereafter, the lease payment shall be a fixed annual payment equal to the base rate for the immediately preceding 5-year period, plus a CPI adjustment for the preceding 5-year period, provided that in no event shall the CPI adjustment be calculated based upon a CPI increase of more than 3 percent for any single year, and the aggregate CPI adjustment shall not exceed 12 percent for any 5-year period. The lease payment shall be adjusted as provided under this subparagraph in years 11, 16, and every 5 years thereafter for the duration of the lease term.

(c) In this paragraph, "CPI" means the Consumer Price Index for All Urban Consumers applicable to the Boston area (all items 1982-1984=100), published by the Bureau of Labor Statistics, Department of Labor.

III. If the department of regional community-technical colleges cannot acquire the building known as 320 Corporate Drive on or before July 1, 2005, then notwithstanding RSA 4:39-b or any other provision of law, and in lieu of the ground lease under paragraph II, the department of regional community-technical colleges and the Pease development authority shall enter into a lease agreement for the entirety of the building and 12.79 acres known as 320 Corporate Drive for the sum of \$675,000 per year. The lease term shall be until such time as the acquisition by the department of regional community-technical colleges is complete. In exchange, the state shall reduce by \$675,000 per year, starting with the commencement of the lease on July 1, 2005, the Pease development authority's outstanding debt to the state relative to start-up funding costs under RSA 12-G:34; and 1991, 355:110, as amended by 1992, 260:11; 1992, 260:12, as amended by 1993, 358:3; 1994, 415:1; and 1995, 307:10. If the department of regional community-technical colleges acquires the building known as 320 Corporate Drive after July 1 but before June 30 in any fiscal year, the debt reduction due to the authority for the sale of the building shall be reduced by prorating the lease payments made in advance during the fiscal year.

2 Transfer of Regional Community-Technical College Campus from Stratham to Pease. On or before July 1, 2009, the department of regional community-technical colleges shall close the Stratham campus and transfer all educational and administrative functions to either the Pease campus, located at 320 Corporate Drive, Portsmouth or other regional community-technical college campuses. The commissioner of the department of regional community-technical colleges and president of the regional community-technical college at Stratham, or their designees, shall meet with the capital budget overview committee within 6 months of the effective date of this act to review and secure preliminary approval of the exit strategy for the Stratham campus. Officials from the department of regional community-technical colleges shall provide the capital budget overview committee with a progress report on the transfer from Stratham to Pease every 6 months, until the transfer is complete. As part of the relocation process, the Stratham campus shall be sold for not less than its fair market appraised value, subject to the approval of the long range capital planning and utilization committee. Proceeds from the sale shall be used, subject to the approval of the capital budget overview committee, to reduce outstanding state bond obligations for capital projects located on the campuses of the regional community-technical colleges.

3 Department of Regional Community-Technical Colleges to Explore Aviation Programs Meeting Approval of the Federal Aviation Administration. The department of regional community-technical colleges shall explore the possible establishment of a Federal Aviation Administration (FAA)-approved aviation related career program or curriculum at 320 Corporate Drive, Portsmouth, New Hampshire that would assist the FAA in accomplishing its mission and enhance the possibility that such program would yield a favorable decision by the FAA to eliminate or reduce the state's lease obligation at that location.

4 Regional Community-Technical Colleges; Reference Change. Amend RSA 188-F:2 to read as follows:

188-F:2 Department Established. There shall be a department of regional community-technical colleges which shall be governed by a board of trustees. The department shall be a state agency and shall consist of the office of the commissioner; the New Hampshire regional community-technical institute and colleges including, but not limited to, campuses in Berlin, Claremont, Concord, Laconia, Manchester, Nashua, Stratham, *Pease*, and associated off-campus programs; and the police standards and training council.

5 Purpose Amended; Library Construction Funds Transferred to Pease Campus from Stratham Campus. Amend 2003, 240:1, III, A to read as follows:

A. Library Expansion - Academic Program Support *and Critical Maintenance* - [~~Stratham~~] *Pease* \$ 2,373,000

6 Lapses Extension; Regional Community-Technical Colleges; Library Expansion and Critical Maintenance Funds. The following capital appropriations are hereby extended to June 30, 2007:

1. The appropriation made to the community-technical college system in 2003, 240:1, III, A, as amended by section 5 of this act, for library expansion, academic program support and critical maintenance, *Pease*.

II. The appropriation made to the community-technical college system in 1999, 226:1, IV, C, as extended by 2001, 202:28, XLVIII, and 2003, 240:34, XXI, for maintenance/critical repairs.

III. The appropriation made to the community-technical college system in 2003, 240:1, III, G for critical repairs.

7 Pease and Stratham Campuses; Funding Allocation. Notwithstanding any other provision of law, any prior capital appropriation to the community-technical college system for maintenance or critical repairs at the Stratham campus may be used, at the discretion of the community-technical college system, at the Pease campus, subject to approval of the capital budget overview committee, provided that such funds have not lapsed and are otherwise available to the department for expenditure.

8 Repeal. 2001, 158:67, relative to lease agreement between the Pease development authority and the department of regional community-technical colleges, is repealed.

9 Effective Date.

1. Section 6 of this act shall take effect June 30, 2005.

II. The remainder of this act shall take effect July 1, 2005.

AMENDED ANALYSIS

This bill directs the department of regional community-technical colleges to acquire a building from the Pease development authority and to transfer the Stratham campus of the college to Pease. The bill also permits the department of regional community-technical colleges to use certain funds previously appropriated to Stratham at Pease.

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests. OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Ways and Means: This bill enables adding five tests to the newborn screening panel, at a cost of an additional \$17 per newborn, paid by the hospitals, which expenditure is expected to save a great deal more in future medical costs. The hospitals, patient advocates, and the Department of Health and Human Services are in complete agreement on the need for and funding of the tests. The bill also allows DHHS to write rules within the Joint Legislative Committee on Administrative Rules (JLCAR) process to streamline all future test and fee approvals, and this step has been approved already by the House and Senate. This committee amendment addresses the financial mechanism. It specifies a dedicated fund to which the newborn screening fees will be sent, and requires a public hearing before new tests or fees shall be set. The Legislative Budget Office has been alerted so that the final state budget bill will reflect the changes in expenditures and revenues. Vote 16-3.

Amendment (1465h)

Amend RSA 132:10-a, II and III as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services shall establish fees, pursuant to RSA 541-A, to be paid by hospitals for the tests required under paragraph I. All such fees shall be paid into the newborn screening fund, hereby established in the state treasury. Moneys from the newborn screening fund established under this section shall be nonlapsing and shall be continually appropriated for use by the department to cover laboratory analysis and related newborn screening program costs under a contract competitively bid and approved by governor and council.

III. The department of health and human services shall establish a newborn screening advisory committee which shall include a member of the oversight committee on health and human services, established in RSA 126-A:13, and representation from health care subspecialties, as determined by the department. Any proposals for recommending new tests or fees shall require a public hearing to be held on the proposal by the newborn screening advisory committee.

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraph; Treasury; Application of Receipts; Exception. Amend RSA 6:12, I(b) by inserting after subparagraph 235 the following new subparagraph:

(236) Moneys received from fees charged for newborn screening tests under RSA 132:10-a, which shall be credited to the newborn screening fund.

4 Effective Date. This act shall take effect 60 days after its passage.

REGULAR CALENDAR

SB 132, relative to the board of marital mediator certification. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Mary Beth E. Walz for the Majority of Children and Family Law: This bill amends the statute governing the Marital Mediator Certification Board by updating technical language and requirements in law. The bill changes the terms of board members to 3-year terms and restores the system for staggered terms. It enumerates the duties of the board. The bill redefines the board's rulemaking authority. The board is authorized to act on its own complaint for disciplinary proceedings. It clarifies appellate procedures. The bill inserts a "good character" requirement for mediators and requires recommendations satisfactory to the board prior to certification. It also allows for more flexibility in meeting the continuing education requirements by permitting 14 hours every three years rather than 8 hours each year. Vote 12-4.

Rep. Daniel C. Itse for the Minority of Children and Family Law: The minority of the committee could not agree with the majority because all certification of course work resides with the board. There is no mechanism for a marital mediation training program offered by an institution of higher learning to offer certification to its graduates. All the power rests with the board.

Majority Amendment (1575h)

Amend RSA 328-C:4-a as inserted by section 6 of the bill by replacing it with the following:

328-C:4-a Duties of the Board. The board shall:

I. Compile and maintain a list of certified marital mediators and certified marital mediator training programs and make such list available to the general public online through the official internet site for the state of New Hampshire.

II. Establish procedures and fees for the applications for certification, reinstatement of certification, and renewal of certification of marital mediators and of marital mediator training programs.

III. Establish eligibility requirements for the certification, renewal certification, and reinstatement certification of marital mediators and marital mediator training programs.

IV. Establish marital mediator training and continuing education requirements.

V. Adopt ethical standards and standards of practice for marital mediators.

VI. Investigate complaints and take necessary disciplinary action as authorized by this chapter.

VII. Establish reporting requirements for certified training programs.

Amend RSA 328-C:5, II(d) as inserted by section 7 of the bill by replacing it with the following:

(d) Submission of at least 3 recommendations *satisfactory to the board* from persons who have participated with the applicant in marital mediation work. These recommendations shall meet any additional requirements established by rules adopted by the board *pursuant to RSA 541A*. Amend the bill by deleting section 8 and renumbering the original sections 9-16 to read as 8-15, respectively.

Amend RSA 328-C:6 as inserted by section 10 of the bill by replacing it with the following:

328-C:6 [~~Certification-Renewal~~] *Continuing Education*. [~~Each marital mediator or marital mediation program shall renew its certification with the board once every 3 years.~~] To renew [~~such~~] a certification, each marital mediator shall provide evidence of attendance [~~of at least 8 hours annually in a~~] *within the last 3 years of at least 24 hours of continuing education* [~~program~~] approved by the board. A certified marital [~~mediation~~] *mediator training* program seeking renewal shall provide evidence that *it has met any reporting requirements established under RSA 328-C:4-a and that* each of the marital mediators associated with the program has met the annual continuing education requirements [~~of this section~~].

Amend RSA 328-C:8, I as inserted by section 13 of the bill by inserting after subparagraph (i) the following new subparagraph:

(j) Reporting requirements for certified training programs.

Amend RSA 328-C:11, I as inserted by section 14 of the bill by replacing it with the following:

I. The board may establish fees for:

(a) Applications, certification, conditional certification, renewal of certification, temporary renewal of certification, and reinstatement of certification.

(b) The filing of requests for information not governed by RSA 91-A.

(c) The filing of complaints and petitions.

(d) The processing of changes to information of record.

Majority amendment adopted.

Majority committee report adopted and ordered to third reading.

SB 44, establishing a study committee on student credit card debt and regulation of credit card solicitation on college campuses. **INEXPEDIENT TO LEGISLATE**

Rep. James F. Headd for Commerce: This bill is an issue of personal responsibility and it is not within the purpose of the legislature to legislate personal responsibility. There are several organizations which are heavily engaged in the training and education in the use of credit cards. They are all nonprofit and are doing an excellent job. The Consumer Protection Division of the Attorney General's Office has an existing, ongoing program educating the youth of our state. Vote 13-5. Adopted.

SB 38-FN, relative to school building aid for certain receiving districts. **OUGHT TO PASS**

Rep. Daniel M. Hughes for Finance: This bill allows receiving districts providing education to pupils from sending districts to receive annual school building aid under certain conditions. Current law allows "area schools" receiving districts, cooperative school districts and joint maintenance agreement districts to be eligible for annual grants for a formulated percent of the principal of construction or school purchase loans. Added to the three aforementioned school aid eligibility arrangements would be "tuition agreements" towns. Currently "tuition agreements" are not covered by the multi-district school building aid statutes for increased levels of aid for schools serving the students of several communities. This bill levels the playing field of school finance by allowing "tuition agreement" towns to participate in multi-district school building aid. A ten-year or longer contract would be required and it would also require the receiving town to educate at least 70% of the public school students at a particular grade from the sending district. It would contain provisions for the payment of capital cost of specific capital projects and state in which manner the school building aid is to be credited to the school districts for those years in which the contract is in effect. This bill is economical. It permits increased aid when several districts take advantage of the economies of scale and undertake high school education together. By pooling their efforts, education is provided at a lower cost than would be available otherwise. The state also saves because the state reimbursement requirement would be greater if each town had its own high school. This bill passed the House previously on a voice vote. Vote 13-9.

MOTION TO LAY ON THE TABLE

Rep. Dodge moved that **SB 38-FN**, relative to school building aid for certain receiving districts, be laid on the table, and the motion failed.

Committee report adopted and ordered to third reading.

SB 90-FN-A-L, relative to kindergarten construction aid. **OUGHT TO PASS**

Rep. Kenneth H. Gould for Finance: This bill extends the public kindergarten construction program and extends the authority to bond through the fiscal year ending June 30, 2006. State grants to eligible districts that currently do not operate a public kindergarten will cover 75% of actual cost of construction. This bill increases bonded appropriation for this program by \$1,000,000. Vote 17-4.

MOTION TO LAY ON THE TABLE

Rep. Dodge moved that, **SB 90-FN-A-L**, relative to kindergarten construction aid, be laid on the table, and the motion failed.

Committee report adopted and ordered to third reading.

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharon Nordgren for Finance: This bill was requested by the Department of Health and Human Services in response to the Federal Medicare Prescription Drug Improvement and Modernization Act of 2003. It is enabling legislation that provides for the state to petition the Centers for Medicare and Medicaid Services (CMS) for a waiver. Currently the state receives rebates from the federal government for certain prescription drugs. The Modernization Act of 2003 would discontinue the rebates to states. (There is still some confusion about exactly all the ramifications of this Act and the department is still receiving details.) The waiver request would be to continue these rebates to New Hampshire. The bill also allows the state to establish the NH Pharmaceutical Assistance Program. The Modernization Act would transition medicaid clients from medicaid prescription drug coverage to the new Medicare Part D drug benefits program on January 1, 2006. There will be clients that are "dual eligible" as a medicaid/medicare client, but the drugs available through the new plan may not include all drugs

needed by some clients. The most vulnerable and fragile psychiatric patients may need a "wrap around" program administrated by the department to ensure their access to specific drugs needed for their critical mental illnesses. Without access to these drugs, many will encounter problems that may result in emergency room visits or other unforeseen crises. The committee therefore, amended the original bill to enable the state to provide a "wrap around" program in the event the waiver isn't approved by CMS. The cost of this program is unclear, but the majority of the committee feels there is adequate funding in the prescription drug lines of the proposed House budget. Vote 13-8.

Amendment (1550h)

Amend the bill by replacing all after section 1 with the following:

2 Certain Prescription Drug Coverage Required. The department of health and human services shall provide "wrap-around" prescription drug coverage to persons who are "dual eligible" for the Medicare and Medicaid programs. For the purposes of this section:

I. "Dual-eligible" means a person who is eligible for Medicare and Medicaid as defined by the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA).

II. "Wrap-around" coverage means any pharmaceutical currently covered by the Medicaid preferred drug list which is not covered by Medicare Part D of MMA.

3 Repeal. Section 2 of this act, relative to "wrap-around" prescription drug coverage, is hereby repealed.

4 Contingency.

I. The department of health and human services' initial plan for the New Hampshire pharmaceutical assistance program as authorized under section 1 of this act shall not take effect until it is approved by both the fiscal committee and the Centers for Medicare and Medicaid Services. The department of health and human services shall certify the date both approvals have been made to the director of the office of legislative services.

II. Section 3 of this act shall take effect on the date the pharmaceutical assistance program authorized under section 1 of this act is approved by the Centers for Medicare and Medicaid Services, as certified by the department of health and human services to the director of the office of legislative services.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect upon its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 175, requiring insurance coverage for certified midwives. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James R. Martin for the Majority of Commerce: In 1999, the legislature enacted RSA 326-D establishing the practice of "midwifery" as part of the culture and tradition of the state and establishing the midwifery council to certify midwives. In 2001, the Attorney General prepared an opinion that equated "certification" with "licensure" which opened the way for the reimbursement of midwife services by Medicaid. This bill permits women who have health insurance and who choose to use the services of a midwife certified under RSA 326-D, to be reimbursed by their health insurance carrier. Vote 14-7.

Rep. Jane S. Langley for the Minority of Commerce: Only five states have any sort of insurance mandate covering direct-entry midwives, and one of those, Rhode Island, only mandates reimbursement for services provided in a licensed health care facility. In New Hampshire insurance carriers presently reimburse nurse midwives, as opposed to certified or direct-entry midwives. Nurse midwives practice in licensed facilities and in collaboration with physicians. The major service provided by direct-entry midwives is attendance at home births. Insurance contracts routinely have specific language excluding coverage for planned home births. This issue is further complicated by the fact that appropriate credentialing standards maintained by carriers for other providers would very likely not be met by direct-entry midwives. With these barriers in mind, attempts were made to reach compromise on this very badly drafted bill. However, amendment of the bill was rejected and very serious flaws in this bill have not been corrected. That is why a minority of the committee opposes its passage. The major problems in the bill include: direct conflicts with other statutory standards governing HMO/PPO contract provisions; an illogical requirement that insurers provide coverage for the services of certified midwives in both individual and group poli-

cies, even when there is no underlying maternity coverage; and imprecise, blanket language that would prevent HMO plans from holding certified midwives to the basic credentialing standards that all other contracting providers must meet. Those standards include, among others, admitting privileges, or active supervision or collaboration with a physician with admitting privileges, or active supervision or collaboration with a physician with admitting privileges, and adequate professional liability insurance. While supporters of the bill have indicated that something can be "filed in September" to fix these flaws, passage of this bill in its present form should raise very serious concerns on this most important matter. The bill should have been properly amended or, in the alternative, should have been retained to allow for the crafting of a mandate that reflected the compromise that had been under discussion.

(Deputy Speaker Weyler in the Chair)

Reps. Langley and Sheila Francoeur spoke against.

Rep. James Martin spoke in favor and yielded to questions.

Rep. Millham spoke against and yielded to questions.

Reps. McLeod and Egbers spoke in favor.

Rep. Stepanek moved recommit to committee and spoke in favor.

Rep. Dickinson spoke against.

Rep. Francoeur spoke in favor.

On a division vote, 207 members having voted in the affirmative and 125 in the negative, the motion to recommit was adopted.

Recommitted to the Committee on Commerce.

SB 36-FN, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund. **OUGHT TO PASS WITH AMENDMENT**
Rep. James G. Phinizy for Environment and Agriculture: As it came to the committee, this bill relied on assessing a fee from an inadequate and unpredictable source, retail sales from pet shops. Realizing the effectiveness and success of the state spay/neuter program and its need to be supported equitably by both cat and dog owners, SB 36, as amended, will derive fees from cat food sales, adoption of cats from shelters, as well as dog licensing. Whereas, dog licensing and dog owners have paid into the fund almost exclusively and while cat owners have been the prime benefactors, now all parties will support the program. Vote 15-3.

Amendment (1576h)

Amend the title of the bill by replacing it with the following:

AN ACT assessing a fee on cats adopted from animal shelters to be deposited in the companion animal neutering fund, increasing the companion animal population control fee, and assessing a fee on cat food to fund the animal population control program.

Amend the bill by replacing all after the enacting clause with the following:

1 Cat Adoption Fee. Amend the section heading of RSA 437:13-a to read as follows:

437:13-a Health Certificate *and Adoption Fees* for Cats.

2 New Paragraph; Animal Population Control Fee Imposed on Cat Adoptions. Amend RSA 437:13-a by inserting after paragraph VI the following new paragraph:

VII. The owner or operator of an animal shelter facility shall collect a \$5 fee for every cat that he or she places for adoption. This fee shall be paid to the commissioner, who shall deposit it in the companion animal neutering fund established under RSA 437-A:4-a.

3 Cat Food Fee. Amend the section heading of RSA 437-A:4-a to read as follows:

437-A:4-a Fund Established; Solicitation and Acceptance of Funds; *Cat Food Fee*.

4 New Paragraph; Cat Food Fee. Amend RSA 437-A:4-a by inserting after paragraph II the following new paragraph:

III. Any person who distributes cat food for subsequent retail sales in this state shall pay a fee at the time of distribution. The fee shall be set by the commissioner in consultation with the pet overpopulation committee established under RSA 437-A:7. The fee shall be adjusted annually to provide a reserve equal to the sum of 2 years operating expenses of the animal population control program. The fee shall be collected by the commissioner and may be invested as provided by law. Interest received on such investment shall also be credited to the fund.

5 New Paragraph; Cat Food Fee; Rulemaking. Amend RSA 437-A:5 by inserting after paragraph II-a the following new paragraph:

II-b. Establishing the fee on the distribution of cat food under RSA 437-A:4-a, III, after consultation with the pet overpopulation committee.

6 Pet Overpopulation Committee; Duties. Amend RSA 437-A:8 to read as follows:

437-A:8 Duties. The primary duties of the committee shall be to study the economic, human, and public health impacts of cat and dog overpopulation in the state and the lack of compliance with dog licensing and rabies vaccination statutes. The committee shall make recommendations to reduce the number of stray and homeless cats and dogs in the state, to reduce the number of healthy cats and dogs killed in animal shelters, and to increase compliance with dog licensing and rabies vaccination statutes. *The committee shall make recommendations to the commissioner regarding the cat food fee under RSA 437-A:4-a, III.*

7 Companion Animal Population Control Fee. Amend RSA 466:4, I(b) to read as follows:

(b) In addition to the sum required in subparagraphs I(a)(1) and (2), each year the owner of each dog shall pay the clerk of the city or town where the dog is registered a companion animal population control fee of ~~[\$2]~~ **\$2.50**.

8 Cat Adoption Fee. Amend the section heading of RSA 437:13-a to read as follows:

437:13-a Health Certificate ~~[and Adoption Fees]~~ for Cats.

9 Companion Animal Population Control Fee. Amend RSA 466:4, I(b) to read as follows:

(b) In addition to the sum required in subparagraphs I(a)(1) and (2), each year the owner of each dog shall pay the clerk of the city or town where the dog is registered a companion animal population control fee of ~~[\$2.50]~~ **2**.

10 Repeal. RSA 437:13-a, VII, relative to cat adoption fees collected by operators of animal shelter facilities, is repealed.

11 Effective Date.

I. Sections 8-10 of this act shall take effect June 30, 2006.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Assesses a \$5 fee on all cats adopted from an animal shelter to be deposited in the companion animal neutering fund with a prospective repeal on June 30, 2006.

II. Establishes a cat food fee to fund the animal population control program.

III. Increases the companion animal population control fee.

Rep. Easson spoke against.

Rep. Babson spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being adoption of the committee amendment.

YEAS 134 NAYS 178

YEAS 134

BELKNAP

Clark, Charles	Morrison, Gail	Pilliod, James	Tilton, Franklin
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CARROLL

Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
McConkey, Mark	Olimpio, J Lisbeth		

CHESHIRE

Allen, Peter	Butynski, William	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
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GRAFTON

Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Eaton, Stephanie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Brassard, Paul	Chase, Claudia
Clemons, Jane	Cote, David	Craig, James	Crane, Elenore Casey
Daniuk, Caitlin	DeVries, Betsi	Dyer, Donald	Emerton, Larry
Essex, David	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline
L'Heureux, Robert	Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Rosenwald, Cindy
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis			

MERRIMACK

Brueggemann, Donald	DeStefano, Stephen	French, Barbara	Gile, Mary
Hamm, Christine	MacKay, James	Owen, Derek	Potter, Frances
Reed, Dennis	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Flockhart, Eileen
Gould, Kenneth	Norelli, Terie	Pantelakos, Laura	Powers, James
Robertson, Carl	Splaine, James	Waterhouse, Kevin	

STRAFFORD

Berube, Roger	Brown, Lawrence	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Kaen, Naida	Keans, Sandra	Knowles, William	Rollo, Michael
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			

SULLIVAN

Converse, Larry	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phiniza, James	Prichard, Stephen

NAYS 178**BELKNAP**

Allen, Janet	Boyce, Laurie	Fitzgerald, James	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Martin, James
Morrow, Harry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Sawyer, Sheldon			

COOS

King, Frederick	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Maybeck, Margie
Mirski, Paul	Solomon, Peter	Sorg, Gregory	Ward, John

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert

Buhlman, David
Carter, Mark
Coughlin, Pamela
Elliott, Nancy
Goyette, Peter Jr
Hebert, Raymond
Infantine, William
Manney, Pamela
Moran, Edward
Renzullo, Andrew
Slocum, Lee
Vaillancourt, Steve

Calawa, Leon Jr
Chabot, Robert
Desmarais, Vivian
Francoeur, Bea
Graham, John
Hellwig, Steve
Jasper, Shawn
McRae, Karen
O'Brien, William
Rowe, Robert
Stepanek, Stephen
Villeneuve, Maurice

Carew, James
Christensen, D L Chris
Dokmo, Cynthia
Gibson, John
Hansen, Ryan
Hinkle, Peyton
Kurk, Neal
Mead, Robert
Ober, Lynne
Ryder, Donald
Tahir, Saghir
Wheeler, James

Carlson, Donald
Cote, Peter
Drisko, Richard
Golding, William
Hawkins, Ken
Hirschmann, Keith
Lefebvre, Roland
Mooney, Maureen
Price, Pamela
Scanlon, Michael
Ulery, Jordan
Wheeler, Robert

MERRIMACK

Anderson, Eric
Currier, David
Greco, Vincent
Klose, John
Oliver, James

Blanchard, Elizabeth
Danforth, James
Hess, David
Langlais, Thomas
Rush, Deanna

Bouchard, Candace
Field, William
Kennedy, Richard
Lockwood, Priscilla
Soltani, Tony

Clarke, Claire
Foose, Robert
Kidder, David
Marple, Richard
Whiting, Herbert

ROCKINGHAM

Allen, Mary
Carson, Sharon
Dowd, John
Flanders, John Sr
Headd, James
Introne, Robert
Katsakiores, Phyllis
Major, Norman
Packard, Sherman
Rolston, James
Stiles, Nancy
Weldy, Norman

Asselin, Michael
Charron, Gene
Dowling, Patricia
Francoeur, Sheila
Hopfgarten, Paul
Itse, Daniel
Kobel, Rudolph
McKinney, Betsy
Palazzo, Frank
Sanders, Elisabeth
Stone, Joseph
Wells, Roger

Cady, Harriet
Coburn, James
Dumaine, Dudley
Garritty, James
Hughes, Daniel
Johnson, Robert
Langley, Jane
Nowe, Ronald
Priestley, Anne
Scamman, Stella
Weare, E Albert
Winchell, George

Camm, Kevin
Dodge, Robert
Fesh, Bob
Griffin, Mary
Ingram, Russell
Katsakiores, George
Lund, Howie
O'Neil, Michael
Putnam, Ed II
Smith, Paul
Welch, David
Zolla, William

STRAFFORD

Bickford, David
Chaplin, Duncan
Snyder, Clair

Brown, Julie
Easson, Timothy
Twombly, James

Callaghan, Frank
Hollinger, Jeffrey

Cataldo, Sam
Newton, Clifford

SULLIVAN

Cloutier, John
and the committee amendment failed.

Gale, Harry

Irish, Christopher

Rodeschin, Beverly

The question now being adoption of Ought to Pass.

Rep. Phinizy spoke against.

Rep. Wendelboe spoke in favor.

Motion failed.

Rep. Easson moved Inexpedient to Legislate.

Adopted.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county (Amendments printed SJ 05/05/05)

Rep. Babson moved that the House nonconcur and request a Committee of Conference.

Adopted.

On behalf of the Speaker, the Deputy Speaker appointed Reps. Burton Williams, Phinizy, O'Connell and Babson.

MOTION TO SPECIAL ORDER

Without objection, Deputy Speaker Weyler announced that bills remaining on today's calendar would be made Special Orders for Wednesday, June 8, 2005 in the Regular Calendar order.

SB 146-FN-A-L, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices,
SB 63-FN-A, establishing a court mediation fund to pay the costs of a mediation program in the district courts,

SB 196, requiring a hearing when medical malpractice insurance rates change.

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision,

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 8, 2005 at 10:00 a.m.
 Adopted.

LATE SESSION

Third reading and final passage

SB 54, clarifying the role of a guardian ad litem in guardianship proceedings.

SB 73, relative to market conduct record retention and production.

SB 74, making certain technical changes in the insurance laws.

SB 111, relative to persons conducting securities broker-dealer and investment advisor businesses.

SB 223-FN, relative to licensing nondepository mortgage bankers and brokers.

SB 179, requiring hunters to report the death or injury of domestic animals.

SB 201, making technical corrections to certain environmental laws and the small business technical assistance program.

SCR 1, endorsing a farm viability task force.

SB 70, relative to the powers of special corporations.

SB 79, relative to the governance of the regional community-technical colleges.

SB 115-FN, relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services.

SB 173, relative to exceptions to licensure for electricians.

SB 137, relative to the Conway Branch railroad.

SB 199, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges.

SB 127-FN, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority.

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests.

SB 132, relative to the board of marital mediator certification.

SB 38-FN, relative to school building aid for certain receiving districts.

SB 90-FN-A-L, relative to kindergarten construction aid.

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 4:55 p.m.

RECESS

(Rep. Wendelboe in the Chair)
ENROLLED BILL AMENDMENTS

HB 299, establishing a committee to study state laws governing liens for labor and materials.

Amendment (1311-EBA)

Amend section 3 of the bill by replacing lines 6-7 with the following:

Builders and Remodelers Association of New Hampshire, the Association of Builders and Contractors, the Associated General Contractors of New Hampshire, and the Bankers

Adopted.

HB 303-FN, relative to the fire standards and training commission.

Amendment (1406-EBA)

Amend RSA 21-P:25, I as inserted by section 1 of the bill by replacing line 3 with the following: standards for employment as [a] full-time [~~firefighter~~] **fire service personnel**, establish minimum

Adopted.

HB 394, relative to real estate tax lien procedures for tax collectors.

Amendment (1272-EBA)

Amend RSA 80:64 as inserted by section 1 of the bill by replacing line 4 with the following:

subject to lien, certified by [him] **the tax collector** under oath to be true; the name of the **current owner, if known, or**

Adopted.

HB 411, relative to North Conway water precinct.

Amendment (1380-EBA)

Amend section 1 of the bill by replacing line 2 with the following:

170 as amended by 1987, 417 by inserting after section 2-b the following new section:

Adopted.

HB 420, relative to receiving and addressing complaints against licensees by the board of mental health practice.

Amendment (1316-EBA)

Amend RSA 330-A:28, I-a as inserted by section 3 of the bill by replacing line 5 with the following: investigation or disciplinary action against such licensee. If the chairperson of the board is recused

Adopted.

HB 449-FN, relative to special wild turkey seasons and permits.

Amendment (1327-EBA)

Amend section 2 of the bill by replacing line 3 with the following:

III. In addition to wild turkey licenses and permits issued under RSA 214:9, XI, the executive

Adopted.

HB 465-FN, authorizing the board of medicine to take non-disciplinary remedial action against physicians.

Amendment (1407-EBA)

Amend RSA 329:18-a, IV-a as inserted by section 9 of the bill by replacing line 2 with the following:

provisions of RSA 91-A, except that the board may disclose any final remedial action that affects the

Adopted.

HB 469, regulating disputes between homeowners and contractors relative to residential construction defects.

Amendment (1412-EBA)

Amend RSA 359-G:1 as inserted by section 1 of the bill by replacing line 3 with the following: framework for discussion about an alleged defect. As part of this process, RSA 359-G:4, IV allows a

Amend RSA 359-G:2, II as inserted by section 1 of the bill by replacing line 2 with the following: which contracts with a contractor for the construction, sale, substantial remodel or repair, or

Amend RSA 359-G:2, III as inserted by section 1 of the bill by replacing lines 4-6 with the following:

concerning the design, construction, modification, or repair of a residence about which a person has a complaint against a contractor. The term may include any physical damage to the residence, any appurtenance, or the real property on which the residence or appurtenance is affixed, proximately Amend RSA 359-G:2, IV as inserted by section 1 of the bill by replacing line 3 with the following: modification or repair of a new or existing residence, or construction, alteration, addition, or repair of Amend RSA 359-G:4, IV as inserted by section 1 of the bill by replacing lines 2-9 with the following: within 15 days of receiving a contractor's proposal, provide the contractor and its subcontractors, agents, experts, and consultants prompt and complete access to the residence to inspect the residence, document any alleged construction defect, and, if authorized in writing by the homeowner, perform any destructive or non-destructive testing required to fully and completely evaluate the nature, extent, and cause of the claimed defect and the nature and extent of any repairs or replacements that may be necessary to remedy the alleged defect. If destructive testing is authorized in writing by the homeowner, the contractor shall give the homeowner advance notice of such tests and shall, after completion of the testing, return the residence to a condition as close as reasonably Amend RSA 359-G:4, VI as inserted by section 1 of the bill by replacing line 1 with the following:

VI. If a homeowner accepts a contractor's offer made pursuant to subparagraph V(a), (b), or Amend RSA 359-G:4, X as inserted by section 1 of the bill by replacing line 4 with the following: If no response is served upon the contractor within the 30-day period, then the offer shall be deemed Amend RSA 359-G:4, XII as inserted by section 1 of the bill by replacing line 1 with the following:

XII. Service of a written notice of claim pursuant to this chapter shall automatically toll the Amend RSA 359-G:4, XIV(e) as inserted by section 1 of the bill by replacing line 3 with the following:

of reasonable diligence prior to the homeowner's purchase of the residence, and that was not caused to Amend RSA 359-G:6 as inserted by section 1 of the bill by replacing lines 1 and 2 with the following:

359-G:6 Release. If a homeowner accepts an offer made in compliance with this chapter and the contractor fulfills the offer in compliance with this chapter, the homeowner shall thereafter be barred

Amend section 2 of the bill by replacing it with the following:

2 Applicability. This act shall apply to all contracts entered into after the effective date Adopted.

SB 164-FN, relative to the disposal of real property purchased with highway or turnpike funds. (Amendment printed SJ 06/09/05)

Adopted.

SENATE MESSAGES CONCURRENCE

HJR 3, supporting the Portsmouth Naval Shipyard.

HB 59-FN-L, relative to municipal responsibility for septage disposal.

HB 78-FN-L, relative to state funding of regional vocational education centers.

HB 246, establishing a committee to study the classification of employees as independent contractors.

HB 424-FN, prohibiting the receipt of cash gifts by elected officials.

HB 432-FN, relative to the septage handling and treatment facilities grant program and the septage and sludge land application restrictions.

HB 467, relative to naming private roads.

HB 514, establishing the New Hampshire health care quality assurance commission.

HB 547-FN, changing the funding limit for on-premise-use fuel oil storage facilities.

HB 619-FN, relative to skier safety and ski area responsibility.

HB 625-FN-L, authorizing borrowing from the state revolving loan fund for the Winnepesaukee River Basin project.

HB 691-FN-L, relative to the medicaid program.

NONCONCURRENCE

HB 222-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system.

HB 239-FN, relative to registration of shampoo assistants by the board of barbering, cosmetology and esthetics.

HB 306, relative to mandatory education for crossbow hunters.

HB 392-FN, increasing the mileage reimbursement rate for members of the legislature.

HB 393, establishing a committee to study methods for requiring employers to permit voluntary and paid on-call emergency first responders to respond to calls.

HB 562, relative to eliminating certain mercury-added products.

HB 617-FN, establishing a commission to study the future role of court reporters in New Hampshire's court system.

HB 665-FN-L, relative to the applicable minimum wage for hourly employees.

HB 721, prohibiting the department of education and the state board of education from adopting a definition of an adequate education.

CONCURRENCE WITH AMENDMENTS

SB 39, relative to disinterment of dead bodies.

SB 145-FN, establishing a medical/vision advisory board.

SB 222-FN, relative to cumulative trauma under workers' compensation.

NONCONCURRENCE WITH AMENDMENT

SB 48-FN, prohibiting unlawful peering into the dwelling place of another.

REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 481, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651: 8-b, RSA 135-C, and RSA 171-B, and RSA 623:1.

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. The President appointed Sens. Roberge, Barnes and Burling.

HB 230-L, relative to default budgets.

The President appointed Sens. Boyce, Flanders and Hassan.

HB 313-FN, relative to registration of business entities.

The President appointed Sens. Kenney, Letourneau and Larsen.

HB 428, relative to clarifying the authority of the Pease development authority and the division of ports and harbors.

The President appointed Sens. Kenney, Letourneau and Fuller Clark.

HB 513, relative to on-board diagnostic system inspections.

The President appointed Sens. Letourneau, Flanders and Burling.

HB 580, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D.

The President appointed Sens. Odell, Bragdon and Burling.

RE-REFERRED TO COMMITTEE

HB 177, relative to home improvement contracts.

HB 505, relative to recording mailing addresses on property deeds.

HB 533-FN, relative to penalties for aggravated felonious sexual assault.

HB 599-FN, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles.

HB 696-FN, relative to enhanced penalties for certain crimes against the elderly and persons with disabilities.

RECESS

(Rep. Parkhurst in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 118, 174, 244, 275, 346, 362, 456, 584, 710 and Senate Bills numbered 156, 203 and 224.

Rep. Currier, Sen. D'Allesandro for the Committee

SENATE MESSAGES**CONCURRENCE**

HB 205, relative to licensing requirements for certain drivers.

HB 261, relative to title to salvage vehicles.

HB 429, relative to representation by nonattorneys before the board of tax and land appeals and relative to condemnation proceedings conducted by the board of tax and land appeals.

HB 437, relative to the disposition of municipal records.

HB 491, relative to the inherent dangers of OHRV operation and limiting landowner liability for certain fish and game related land uses.

HB 522, establishing a committee to study gaming options for New Hampshire.

HB 603-FN-A, relative to the state's purchase of the Laconia district courthouse building and making an appropriation therefor.

HCR 6, urging Congress to enact legislation to make English the official language of the United States.

CONCURRENCE WITH AMENDMENTS

SB 23, relative to membership on the public water access advisory board.

SB 66, establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England.

SB 77, relative to the review of proposed health care provider contracts.

SB 78, relative to payment of health care providers by health carriers.

SB 83, establishing a commission to study issues relative to the comprehensive shoreland protection act.

SB 88, relative to emergency medical transportation.

SB 105, granting the executive director of fish and game authority to promote hunting, fishing, and wildlife-related activities.

SB 165-FN, relative to the collection of tax debts from out-of-state debtors.

SB 187, relative to allowing alternative certified hazardous waste coordinator programs.

SB 215-FN, creating a committee to study alternatives for the disposal of construction and demolition debris.

NONCONCURRENCE

HB 61, extending the family law task force.

HB 302, relative to the mileage rate for service of documents by county sheriffs.

HB 359, defining "unnecessary hardship" for purposes of zoning variances.

HB 435, establishing a separate high school civics graduation requirement.

HB 535-FN-A, increasing the tobacco tax.

RE-REFERRED TO COMMITTEE

HB 66, regulating mandatory overtime for nurses and assistants.

HB 372, relative to notification of interested parties in medical parole cases.

RECESS

(Rep. Bergin in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 59, 78, 152, 157, 195, 199, 236, 286, 329, 440, 467, 487, 547, 568, 625, 672, and Senate Bills numbered 11, 17, 30, 39, 85, 93, 145, 150, 192, 222 and Senate Joint Resolution numbered 2.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 18

Wednesday, June 8, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

O God of the ages, we gather here this morning to wrestle with challenges and opportunities which affect the way healthcare is provided and paid for in this state. Guide our thoughts and our presentations with Your spirit of discernment and wisdom. Help us to take the right risks today, to give honest and full expression to our best thoughts, to seek Your will above our own, and to render decisions which benefit the women, men and children of this state. In Your healing spirit and gracious name, we pray. Amen.

Rep. James E. Twombly led the Pledge of Allegiance.

The National Anthem was sung by Holly Winchell, a student at Plymouth State University and the daughter of Rep. George Winchell.

LEAVES OF ABSENCE

Reps. Albert, Daniuk, Lessard, Palangas and Philbrick, the day, illness.

Reps. Bishop, Callaghan, Doyle, Egbers, Patrick Garrity, Goodwin, Heald, Hellwig, Heon, Irish, Kaen, Klose and Paul Smith, the day, important business.

Rep. Theberge, the day, illness in the family.

Rep. Marjorie Smith, the day, death in the family.

INTRODUCTION OF GUESTS

Zahid Hafeez, Barry Hoffman, Roger Talanian, Parwez Wahid, Babar Khan, Mr. & Mrs. Mohammad Mobeen, Mr. & Mrs. Azmat Khawaja, Shuja and Roheela Saleem, Humayun Kabeer, Salman and Romana Malik, Mohammad Nawaz, Zahid and Ayisha Malik, Adnan Tahir, Naheed Akhtar, Adeel Tahir and Howie Howe, guests of Rep. Tahir. Sgt. Shawn Bicknell and Cindy Bicknell, son and wife of Rep. Bicknell. Eugena Winchell and Cecile Soucy, wife and mother-in-law of Rep. Winchell. Beth O'Donnell, guest of Rep. Harding. Hon. Alan Bemis, former member and guest of Rep. Newton.

SPECIAL GUEST

Ambassador of Pakistan to the United States, Jehangir Karamat, addressed the House.

REGULAR CALENDAR

SPECIAL ORDER

SB 146-FN-A-L, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices. **OUGHT TO PASS** Rep. Robert L. Wheeler for Finance: This bill is a follow-up to the pilot program operated by New Hampshire Legal Assistance in Littleton. The legislature appropriated \$480,000 which in turn resulted in over \$1,400,000 in benefits to New Hampshire people, which were both needed individually and contributed to a healthy economy. The program has been endorsed universally and therefore, as a next step, this bill establishes a Civil Legal Services fund supported by a court filing fee surcharge of \$20.00 which will be used to establish and operate an office in Nashua and to provide in other New Hampshire Legal Assistance offices to further the good works produced in the Littleton pilot. Vote 19-3.

Rep. Vaillancourt spoke against.

Rep. Robert Wheeler spoke in favor and yielded to questions.

Rep. Balboni requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 226 NAYS 131**YEAS 226****BELKNAP**

Flanders, Donald
Pilliod, James

Millham, Alida
Russell, David

Morrisson, Gail
Thomas, John

Nedeau, Stephen

CARROLL

Ahlgren, Christopher
Knox, J David

Brown, Carolyn
Martin, James

Buco, Thomas
McConkey, Mark

Dickinson, Howard
Patten, Betsey

CHESHIRE

Allen, Peter
Dunn, J Timothy
Hogancamp, Deborah
Plifka, Stanley Jr
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Hunt, John
Pratt, John
Tilton, Anna

Butynski, William
Espiefs, Peter
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Chase, William
Foote, Sheila
Parkhurst, Henry
Roberts, Kris

COOS

Buzzell, Bernard
Morneau, Renney

King, Frederick
Remick, William

Lary, Bruce
Tholl, John Jr

Mears, Edgar

GRAFTON

Alger, John
Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon

Almy, Susan
Cooney, Mary
McLeod, Martha
Sokol, Hilda

Andersen, Gene
Eaton, Stephanie
Mulholland, Catherine
Ward, John

Benn, Bernard
Hammond, Lee
Naro, Debra

HILLSBOROUGH

Allan, Nelson
Bergin, Peter
Carter, Mark
Clayton, William
Craig, James
Dyer, Donald
Ginsburg, Ruth
Gorman, Mary
Hansen, Ryan
Jean, Claudette
Lefebvre, Roland
Moran, Edward
Pilotte, Maurice
Scanlon, Michael
Smith, David
Wheeler, Robert

Baroody, Benjamin
Brundige, Robert
Chabot, Robert
Clemons, Jane
DeVries, Betsi
Essex, David
Golding, William
Graham, John
Harvey, Suzanne
Johnson, Paula
Martin, Mary Ellen
Movsesian, Lori
Rochette, Eric
Schulze, Joan
Sullivan, Francis

Batula, Peter
Calawa, Leon Jr
Chase, Claudia
Cote, David
Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Haley, Robert
Hunter, Bruce
Kopka, Angeline
Messier, Irene
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

Beaulieu, Jane
Campbell, David
Christensen, D L Chris
Cote, Peter
Drisko, Richard
Gargas, Carolyn
Gonzalez, Carlos
Hall, Betty
Irwin, Anne-Marie
Lasky, Bette
Michon, Stephen
Pappas, Christopher
Ross, Lawrence
Shaw, Kimberly
Velez, Hector

MERRIMACK

Anderson, Eric
Clarke, Claire
Foose, Robert
Hamm, Christine
MacKay, James
Owen, Derek
Ryan, Jim
Walz, Mary Beth

Blanchard, Elizabeth
Danforth, James
French, Barbara
Kidder, David
Maxfield, Roy
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Bouchard, Candace
DeJoie, John
Gile, Mary
L'Heureux, Stephen
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Yeaton, Charles

Brueggemann, Donald
DeStefano, Stephen
Hager, Elizabeth
Lockwood, Priscilla
Osborne, Jessie
Rush, Deanna
Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn
Casey, Kimberley

Bridle, Russell
Coburn, James

Buxton, Donald
Cooney, Richard

Cali-Pitts, Jacqueline
Dalrymple, Janeen

DiFruscia, Anthony
 Flockhart, Eileen
 Gillick, Thomas
 Johnson, Robert
 Langley, Jane
 McMahon, Charles
 Powers, James
 Sanders, Elisabeth
 Stone, Joseph
 Weyler, Kenneth

Dowd, John
 Forsing, Robert
 Gould, Kenneth
 Katsakiores, George
 Major, Norman
 Moody, Marcia
 Priestley, Anne
 Scamman, Stella
 Waterhouse, Kevin
 Wiley, Robert

Dowling, Patricia
 Francoeur, Sheila
 Griffin, Mary
 Katsakiores, Phyllis
 Mason, April
 Norelli, Terie
 Robertson, Carl
 Serlin, Christopher
 Welch, David
 Winchell, George

Flanders, John Sr
 Gilbert, Karl
 Ingram, Russell
 Kobel, Rudolph
 McKinney, Betsy
 Pantelakos, Laura
 Rolston, James
 Splaine, James
 Wells, Roger

STRAFFORD

Berube, Roger
 Domingo, Baldwin
 Johnson, Nancy
 Rollo, Michael
 Spang, Judith
 Wall, Janet

Brown, Lawrence
 Dunlap, Patricia
 Kears, Sandra
 Rous, Emma
 Taylor, Katherine

Cilley, Jacalyn
 Grassie, Anne
 Knowles, William
 Schmidt, Peter
 Taylor, Kathleen

Creteau, Irene
 Hofemann, Roland
 Miller, Joseph
 Snyder, Clair
 Twombly, James

SULLIVAN

Cloutier, John
 Franklin, Peter
 Phinizy, James

Converse, Larry
 Gale, Harry
 Prichard, Stephen

Donovan, Thomas
 Houde-Quimby, Charlotte

Ferland, Brenda
 Jillette, Arthur Jr

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BELKNAP

Allen, Janet
 Rosen, Ralph
 Wendelboe, Fran

Boyce, Laurie
 Tilton, Franklin
 Whalley, Michael

Clark, Charles
 Tobin, William

Fitzgerald, James
 Veazey, John

CARROLL

Babson, David Jr
 Stevens, Stanley

Chandler, Gene

Morrow, Harry

Olimpio, J Lisbeth

CHESHIRE

Dexter, Judson

Emerson, Susan

Pelkey, Stephen

Sawyer, Sheldon

COOS

Merrick, Scott

Richardson, Herbert

Stohl, Eric

GRAFTON

Barker, Robert
 Maybeck, Margie
 Williams, Burton

Gionet, Edmond
 Mirski, Paul

Giuda, Robert
 Solomon, Peter

Ingbretson, Paul
 Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
 Bergeron, Jean-Guy
 Buhlman, David
 Clark, Mark
 Gibson, John
 Hirschmann, Keith
 L'Heureux, Robert
 Mooney, Maureen
 Price, Pamela
 Ryder, Donald
 Uley, Jordan

Adams, Jarvis IV
 Biundo, Michael
 Carew, James
 Desmarais, Vivian
 Goyette, Peter Jr
 Infantine, William
 Manney, Pamela
 O'Brien, William
 Reeves, Sandra
 Slocum, Lee
 Vaillancourt, Steve

Balboni, Michael
 Boehm, Ralph
 Carlson, Donald
 Elliott, Nancy
 Hawkins, Ken
 Jasper, Shawn
 McRae, Karen
 Ober, Lynne
 Renzullo, Andrew
 Souza, Kathleen
 Villeneuve, Maurice

Barry, J Gail
 Brassard, Paul
 Christiansen, Lars
 Francoeur, Bea
 Hinkle, Peyton
 Kurk, Neal
 Mead, Robert
 Pepino, Leo
 Rowe, Robert
 Stepanek, Stephen
 Wheeler, James

MERRIMACK

Currier, David	Field, William	Greco, Vincent	Hess, David
Langlais, Thomas	Marple, Richard	Oliver, James	Reed, Dennis
Soltani, Tony	Tupper, Frank	Whiting, Herbert	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bicknell, Elbert	Cady, Harriet	Camm, Kevin
Charron, Gene	Dodge, Robert	Dumaine, Dudley	Fesh, Bob
Garrity, James	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Introne, Robert	Itse, Daniel	Johnson, Rogers	Lund, Howie
Moore, Benjamin	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Parker, Benjamin	Putnam, Ed II
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Stiles, Nancy
Weare, E Albert	Weldy, Norman	Zolla, William	

STRAFFORD

Bickford, David	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford

SULLIVAN

Osgood, Philip Sr Rodeschin, Beverly
and the committee report was adopted.

Reps. Coughlin and Matarazzo declared conflicts of interest and did not participate.

Referred to the Committee on Ways and Means.

SB 125-FN, repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T. DeStefano for the Majority of Commerce: This bill is the companion bill to HB 611 that was passed by the House 256-105 in March. Both the House and the Senate versions of SB 125-FN provide for substantial reform of the problems experienced in the small business health insurance market by the passage of SB 110 in 2003 (Chapter 188). SB 125, as did HB 611, eliminates the use of medical underwriting and geographic location from consideration in setting premium rates. The bill also places a band around premium rates charged to individual groups to a 3.5 to 1 ratio. This bill also creates a small employer health reinsurance mechanism that will allow insurers to look at health profiles of individuals within a group after premium rates are set for the purpose of "ceding" high risk individuals into a reinsurance pool. This will encourage new insurers with limited market penetration to participate in the small group market by affording them the opportunity to transfer costs that would be unacceptable in a small group to the reinsurance pool where the costs are spread over the whole market. This will help to relieve the financial burden that small group employers experience when one or two employees experience significant health problems. In order to cede an insured into the pool, the insurer must pay five times the annual insurance premium into the pool and absorb the first \$5000 of claims expense. This will cost the insurer up to \$30,000 per insured life for the right to cede the risk to the pool, limiting the cost burden to be absorbed by the reinsurance mechanism. The only significant difference in the two bills is in the definition of who participates in the reinsurance pool. In HB 611, the costs incurred by the pool are assessed solely to insurers participating in the small group market. SB 125 expands participation in the pool to all insurance entities that provide coverage in New Hampshire. This spreads the costs associated with high risk individuals over a much broader base, which will help to take pressure off rates in the small business market. Since the underlying concept of insurance is to spread risk over as broad a base as possible, it seems only prudent to spread these costs over the entire market. Vote 12-8.

Rep. Sheila T. Francoeur for the Minority of Commerce: The committee has spent many hours working on this important issue, and we all agree that SB 110, passed in 2003, has problems and needs to be fixed. Everyone agreed in both the Senate and the House that the vast majority of the

problems created by that bill existed in the groups of 1 and groups of 2-9. According to the New Hampshire Insurance Department these groups represent only several thousand people out of the 200,000 total in the small group market, or approximately 1%. In order to fix the problem, SB 125 proposes another radical change in our insurance regulations which will have a dramatic impact on the New Hampshire insurance market. SB 125 attempts to fix the problem. The unintended consequences of that are many of the new carriers who have recently come into the state have testified that they will leave. Others, such as AETNA Insurance, who are considering coming into the state, have said they will not. These companies have been offering new, innovative and cost effective plans such as Health Savings Accounts (HSA's). Additionally, the department estimates that over 45% of the small group market will experience a dramatic increase in health insurance rates. Finally, SB 125 will create a reinsurance pool which levies an assessment on every covered life in the state. The fiscal note attached to this bill estimates that this assessment will cost the state employee health insurance plan \$250,000 the first year, increasing to almost \$500,000 within four years. This assessment would also be levied against all county and municipal insurance plans. Health insurance companies, insurance agents, and small business organizations unanimously agree that the reinsurance mechanism included in SB 125 is too costly and administratively cumbersome. Concerns were also raised about the fact that the reinsurance mechanism in SB 125 is aimed at subsidizing the losses of health insurance companies and not reducing health insurance costs for small businesses. The minority believes that any major reforms to this market should be accompanied by a legislative oversight committee, however, supporters of SB 125 were unwilling to consider any changes to the Senate's version of this bill. The minority amendment will correct the problems created by passage of SB 110 in 2003. It will also attract new insurance carriers to the state while encouraging those currently in the state who offer innovative, creative and affordable products to stay. The end result will be a stable market place serving the people of New Hampshire.

Rep. Sheila Francoeur offered the minority committee amendment (1578h)

Minority Amendment (1578h)

Amend the title of the bill by replacing it with the following:

AN ACT repealing geographic location as a small group rating factor and limiting overall premium rate variability in the small group health insurance market.

Amend the bill by replacing all after the enacting clause with the following:

1 Small Group Health Insurance; Definitions Added. RSA 420-G:2, I is repealed and reenacted to read as follows:

I. "Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the commissioner that a small employer health carrier is in compliance with the provisions of and the rules adopted by the commissioner, based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the small employer health carrier in establishing premium rates for applicable health benefit plans.

I-a. "Case characteristics" means demographic or other relevant characteristics of a small employer group that may be considered by the health carrier in the determination of premium rates for that group.

2 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph II the following new paragraph:

II-a. "Composite billing" means a method of calculating premium rates for small employer groups in which each enrolled employee's rate varies only by the enrolled employee's family composition.

3 Definition Changed. Amend RSA 420-G:2, IX-a to read as follows:

IX-a. "Health coverage plan rate" means a rate that is uniquely determined for each of the coverages or health benefit plans a health carrier writes and that is derived from the **[base] market** rate through the application of **plan** factors that reflect actuarially demonstrated differences in expected utilization **[or cost] and health care costs** attributable to differences in the coverage design and/or the provider contracts that support the coverage **and by including provisions for administrative costs and loads**. *The health coverage plan rate is periodically adjusted to reflect expected changes in the market rate, utilization, health care costs, administrative costs, and loads.*

4 Definition Added. Amend RSA 420-G:2, XII-a to read as follows:

XII-a. *"List billing" means a method of calculating premium rates for small employer groups in which each enrolled employee's rate varies only by the enrolled employee's attained age and the enrolled employee's family composition.*

XII-b. "Loss information" means the aggregate claims experience and shall include, but not be limited to, the number of covered lives, the amount of premium received, the amount of total claims paid, and the claims loss ratio. "Loss information" shall not include any information or data pertaining to the medical diagnosis, treatment, or health status that identifies an individual covered under the group contract or policy. Catastrophic claim information shall be provided as long as the provision of this information would not compromise any covered individual's privacy.

5 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph XII-b the following new paragraph:

XII-c. "Market rate" means a single rate reflecting the carrier's average cost of actual or anticipated claims for all health coverages or health benefit plans the carrier writes and maintains in a market, including the nongroup individual health insurance market and, separately, the small employer group health insurance market, and which is periodically adjusted by the carrier to reflect changes in actual or anticipated claims.

6 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph XIV-a the following new paragraph:

XIV-b. "Premium rate" means the rates used by a carrier to calculate the premium. For group coverage, premium rates shall be expressed as a rate per enrolled employee.

7 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph XV the following new paragraph:

XV-a. "Rating period" means the time period for which the premium rate charged by a health carrier to an individual or a small employer for a health benefit plan is in effect.

8 Premium Rates. Amend RSA 420-G:4, I(a) to read as follows:

(a) All ~~[premiums]~~ *premium rates* charged shall be guaranteed for a rating period of at least 12 months, ~~[unless otherwise allowed by the commissioner]~~ *and shall not be changed for any reason, including but not limited to a change in the group's case characteristics.*

9 Small Group Insurance; Premium Rates. Amend RSA 420-G:4, I(e) to read as follows:

(e) In establishing the premium charged, health carriers ~~[providing]~~ *offering* coverage to small employers shall calculate ~~[a rate]~~ *premium rates* that ~~[is]~~ *are* derived from the health coverage plan rate ~~[through the application of rating factors that the carrier chooses to utilize for age, group size, industry classification, geographic location, and health status]~~ *by making adjustments to reflect one or more case characteristics.* Such ~~[factors]~~ *adjustments from the health coverage plan rate* may be ~~[utilized]~~ *made* only in accordance with the following limitations:

(1) ~~[Carriers may use the attained age of covered persons as a rating factor. However, the maximum premium differential for age as determined by ratio shall be 4 to 1 beginning with age 19].~~ *In establishing the premium rates, health carriers offering coverage to small employers may use only age, group size, industry classification, health status, claims experience, and duration of coverage as case characteristics. No consideration shall be given to geographic location or any other characteristic of the group.*

(2) Carriers ~~[modifying such average premium]~~ *making adjustments from the health coverage plan rate* for age may do so only by using the following age brackets:

- 0 - 18
- 19 - 24
- 25 - 29
- 30 - 34
- 35 - 39
- 40 - 44
- 45 - 49
- 50 - 54
- 55 - 59
- 60 - 64
- 65 +

(3) ~~[Carriers may use group size as a rating factor. However, the highest factor based on group size shall not exceed the lowest factor based on group size by more than 20 percent; provided that for groups of one, an additional 10 percent rating factor shall be allowed from the highest factor.]~~

~~(4) Carriers may use the small employer group's industry classification as a rating factor. However, the highest factor based on industry classification shall not exceed the lowest factor based on industry classification by more than 20 percent.~~

~~(5) Carriers may use the small employer group's geographic location as a rating factor. However, the highest factor based on geographic location shall not exceed the lowest factor based on geographic location by more than 15 percent.~~

~~(6) Carriers may use the health status of the small employer group as a rating factor. However, the application of a health status factor shall be subject to the following limitations:~~

~~(A) The health status factor may reflect health status of covered persons, the small employer's claim experience, or the duration of coverage since health statements were last provided.~~

~~(B) Variations from the arithmetic average of the highest rate charged to the lowest rate charged shall not exceed 25 percent.~~

~~(C) Upon the renewal of a small employer policy, any increase in the premium rate that is solely attributable to changes in the health status factor from the prior year shall be no more than 15 percent.~~

~~(7) Upon the renewal of a small employer policy, a carrier is prohibited from increasing the premium rate by more than 25 percent of the rate that was charged in the preceding year. Such rate increase limitation shall not include any premium rate increase that is based on a carrier's annual cost and utilization trends or changes in the rating factor for attained age of covered persons.] *The maximum premium rate differential after adjusting for all case characteristics as determined by ratio shall be 4 to 1 for a covered person whose attained age is greater than 18. For groups of one the maximum premium rate differential of 4 to 1 may be increased by an additional 10 percent.*~~

~~(4) In establishing the premium rates, health carriers offering coverage to small employers may make further adjustments based on health plan membership type.~~

~~(5) The small employer health carrier shall set premium rates to small employers after consideration of case characteristics of the small employer group as well as the health plan membership type.~~

~~(6) Carriers may calculate premium rates using either list billing or composite billing. Carriers shall use the same billing method in all succeeding rating periods unless the carrier has provided the small employer notice of the change in billing method and a renewal quote using the new rating methodology at least 60 days prior to the end of the rating period.~~

~~(7) The percentage increase in the premium rates for a new rating period shall not exceed 15 percent of the premium rates used by that carrier in the preceding rating period. Such rate increase limitation shall not include any premium rate increase that is based on changes in the health coverage plan rate.~~

10 Reference Change. Amend RSA 420-G:4, I(b) to read as follows:

(b) ~~[Base rate]~~ **Market rate** shall be established by each health carrier for all of its health coverages offered to individuals and, separately, for all of its health coverages offered to small employers.

11 Legislative Oversight Committee. Amend RSA 420-G:14-c, I to read as follows:

I. There is hereby established a joint legislative oversight committee on small group health insurance reform. The committee shall review the reports filed by the commissioner pursuant to RSA 420-G:14-a, monitor the small group health insurance market in the state, and monitor the ~~[effect of SB 110 of the 2003 legislative session]~~ **effects of small group health insurance reform**. The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include 3 members of the house, appointed by the speaker of the house and 2 senators, appointed by the president of the senate.

12 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill makes certain changes in the small employer health insurance law, including:

I. Repealing geographic location as a rating factor for small group health insurance.

II. Adding a definition of case characteristics and certain other definitions.

III. Limiting overall premium rate variability in the small group health insurance market.

(Deputy Speaker Weyler in the Chair)

Reps. Stepanek and Sheila Francoeur spoke in favor.

Reps. DeStefano spoke against and yielded to questions.

Reps. Hunt and Charles Clark spoke in favor and yielded to questions.

Reps. Kidder, Daniel Eaton and Marshall Quandt spoke against.

(Speaker Scamman in the Chair)

Rep. Charles Clark requested a roll call; sufficiently seconded.

The question being adoption of the minority amendment (1578h).

YEAS 151 NAYS 217**YEAS 151****BELKNAP**

Allen, Janet
Flanders, Donald
Thomas, John

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Rosen, Ralph
Veazey, John

Fitzgerald, James
Russell, David
Whalley, Michael

CARROLL

Ahlgren, Christopher
Martin, James
Patten, Betsey

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Morrow, Harry

Knox, J David
Olimpio, J Lisbeth

CHESHIRE

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

Hunt, John

Pelkey, Stephen

COOS

King, Frederick

Lary, Bruce

Morneau, Renney

GRAFTON

Alger, John
Mirski, Paul

Barker, Robert
Naro, Debra

Giuda, Robert
Sorg, Gregory

Maybeck, Margie
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Biundo, Michael
Carew, James
Christensen, D L Chris
Crane, Elenore Casey
Graham, John
Hinkle, Peyton
Kelly, Eugene Jr
Manney, Pamela
O'Brien, William
Renzullo, Andrew
Vaillancourt, Steve

Balboni, Michael
Boehm, Ralph
Carlson, Donald
Christiansen, Lars
Francoeur, Bea
Hagan, Barbara
Hunter, Bruce
Kurk, Neal
McRae, Karen
Ober, Lynne
Rowe, Robert
Villeneuve, Maurice

Barry, J Gail
Brundige, Robert
Carter, Mark
Clark, Mark
Golding, William
Hansen, Ryan
Infantine, William
L'Heureux, Robert
Mead, Robert
Price, Pamela
Slocum, Lee
Wheeler, James

Batula, Peter
Calawa, Leon Jr
Chabot, Robert
Coughlin, Pamela
Gonzalez, Carlos
Hawkins, Ken
Jasper, Shawn
Lawrence, James
Moran, Edward
Reeves, Sandra
Stepanek, Stephen
Wheeler, Robert

MERRIMACK

Anderson, Eric
Kennedy, Richard
Oliver, James

Danforth, James
L'Heureux, Stephen
Reed, Dennis

Field, William
Langlais, Thomas

Hess, David
MacKay, James

ROCKINGHAM

Allen, Mary
Cady, Harriet
Coburn, James

Belanger, Ronald
Camm, Kevin
Dalrymple, Janeen

Bicknell, Elbert
Carson, Sharon
Dodge, Robert

Bridle, Russell
Charron, Gene
Donahue, Richard Ken

Dowling, Patricia
 Francoeur, Sheila
 Headd, James
 Introne, Robert
 Katsakiores, Phyllis
 McMahon, Charles
 Palazzo, Frank
 Stiles, Nancy
 Winchell, George

Dumaine, Dudley
 Gilbert, Karl
 Hopfgarten, Paul
 Itse, Daniel
 Lund, Howie
 Morris, Richard
 Parker, Benjamin
 Waterhouse, Kevin
 Zolla, William

Fesh, Bob
 Gillick, Thomas
 Hutchinson, Karen
 Johnson, Rogers
 Major, Norman
 O'Neil, Michael
 Rausch, James
 Weare, E Albert

Flanders, John Sr
 Griffin, Mary
 Ingram, Russell
 Katsakiores, George
 McKinney, Betsy
 Packard, Sherman
 Sanders, Elisabeth
 Wells, Roger

STRAFFORD

Campbell, W Packy
 Newton, Clifford

Cataldo, Sam
 Twombly, James

Easson, Timothy

Hollinger, Jeffrey

SULLIVAN

Gale, Harry

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 217

BELKNAP

Millham, Alida
 Wendelboe, Fran

Morrison, Gail

Pilliod, James

Tobin, William

CARROLL

Babson, David Jr

Buco, Thomas

Dickinson, Howard

CHESHIRE

Allen, Peter
 Dexter, Judson
 Espiefs, Peter
 Pratt, John
 Tilton, Anna

Butcher, Suzanne
 Dunn, J Timothy
 Mitchell, Bonnie
 Richardson, Barbara
 Weed, Charles

Butynski, William
 Eaton, Daniel
 Parkhurst, Henry
 Roberts, Kris

Chase, William
 Emerson, Susan
 Plifka, Stanley Jr
 Robertson, Timothy

COOS

Buzzell, Bernard
 Richardson, Herbert

Mears, Edgar
 Stohl, Eric

Merrick, Scott
 Tholl, John Jr

Remick, William

GRAFTON

Almy, Susan
 Cooney, Mary
 Harding, A Laurie
 Nordgren, Sharon

Andersen, Gene
 Eaton, Stephanie
 Ingbreton, Paul
 Sokol, Hilda

Benn, Bernard
 Gionet, Edmond
 McLeod, Martha
 Solomon, Peter

Bleyler, Ruth
 Hammond, Lee
 Mulholland, Catherine
 Ward, John

HILLSBOROUGH

Aboshar, Jeffrey
 Bergeron, Jean-Guy
 Campbell, David
 Cote, David
 DeVries, Betsi
 Elliott, Nancy
 Gibson, John
 Goyette, Peter Jr
 Hirschmann, Keith
 Johnson, Paula
 Martin, Mary Ellen
 Mooney, Maureen
 Pepino, Leo
 Ross, Lawrence

Allan, Nelson
 Bergin, Peter
 Chase, Claudia
 Cote, Peter
 Dokmo, Cynthia
 Essex, David
 Ginsburg, Ruth
 Haley, Robert
 Holden, Randolph
 Kopka, Angeline
 Matarazzo, Anthony Sr
 Movsesian, Lori
 Pilote, Maurice
 Ryder, Donald

Baroody, Benjamin
 Brassard, Paul
 Clayton, William
 Craig, James
 Drisko, Richard
 Foster, Linda
 Goley, Jeffrey
 Hall, Betty
 Irwin, Anne-Marie
 Lasky, Bette
 Messier, Irene
 O'Connell, Timothy
 Rochette, Eric
 Scanlon, Michael

Beaulieu, Jane
 Buhlman, David
 Clemons, Jane
 Desmarais, Vivian
 Dyer, Donald
 Gargas, Carolyn
 Gorman, Mary
 Harvey, Suzanne
 Jean, Claudette
 Lefebvre, Roland
 Michon, Stephen
 Pappas, Christopher
 Rosenwald, Cindy
 Schulze, Joan

Shaw, Barbara
Sullivan, Francis
Velez, Hector

Shaw, Kimberly
Sullivan, Peter

Smith, David
Tahir, Saghir

Souza, Kathleen
Ulery, Jordan

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Kidder, David
Osborne, Jessie
Rush, Deanna
Tilton, Joy
Whiting, Herbert

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Lockwood, Priscilla
Owen, Derek
Ryan, Jim
Tupper, Frank
Williams, Robert

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
Maxfield, Roy
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

Clarke, Claire
French, Barbara
Hamm, Christine
McMahon, Patricia
Reardon, Tara
Soltani, Tony
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
DiFruscia, Anthony
Garrity, James
Kobel, Rudolph
Moore, Benjamin
Powers, James
Quandt, Matthew
Serlin, Christopher
Weldy, Norman

Asselin, Michael
Cali-Pitts, Jacqueline
Dowd, John
Gould, Kenneth
Langley, Jane
Norelli, Terie
Priestley, Anne
Robertson, Carl
Splaine, James
Weyler, Kenneth

Bettencourt, David
Casey, Kimberley
Flockhart, Eileen
Hughes, Daniel
Mason, April
Nowe, Ronald
Putnam, Ed II
Rolston, James
Stone, Joseph
Wiley, Robert

Blanchard, MaryAnn
Cooney, Richard
Forsing, Robert
Johnson, Robert
Moody, Marcia
Pantelakos, Laura
Quandt, Marshall Lee
Scamman, Stella
Welch, David

STRAFFORD

Berube, Roger
Brown, Lawrence
Domingo, Baldwin
Johnson, Nancy
Rollo, Michael
Spang, Judith

Bickford, David
Chaplin, Duncan
Dunlap, Patricia
Keans, Sandra
Rous, Emma
Taylor, Katherine

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Snyder, Clair
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

and the minority amendment (1578h) failed.

Rep. Marple declared a conflict of interest and did not participate.

The question now being adoption of the committee report.

Rep. Boyce requested a roll call; sufficiently seconded.

YEAS 280 NAYS 89

YEAS 280

BELKNAP

Allen, Janet
Pilliod, James

Millham, Alida
Thomas, John

Morrison, Gail
Tobin, William

Nedeau, Stephen
Wendelboe, Fran

CARROLL

Babson, David Jr
Knox, J David

Brown, Carolyn
Olimpio, J Lisbeth

Buco, Thomas
Patten, Betsey

Dickinson, Howard

CHESHIRE

Allen, Peter
Dexter, Judson

Butcher, Suzanne
Dunn, J Timothy

Butynski, William
Eaton, Daniel

Chase, William
Emerson, Susan

Espiefs, Peter
 Plifka, Stanley Jr
 Robertson, Timothy

Hogancamp, Deborah
 Pratt, John
 Tilton, Anna

Mitchell, Bonnie
 Richardson, Barbara
 Weed, Charles

Parkhurst, Henry
 Roberts, Kris

COOS

Buzzell, Bernard
 Merrick, Scott
 Stohl, Eric

King, Frederick
 Morneau, Renney
 Tholl, John Jr

Lary, Bruce
 Remick, William

Mears, Edgar
 Richardson, Herbert

GRAFTON

Almy, Susan
 Cooney, Mary
 McLeod, Martha
 Sokol, Hilda

Andersen, Gene
 Gionet, Edmond
 Mulholland, Catherine
 Solomon, Peter

Benn, Bernard
 Hammond, Lee
 Naro, Debra
 Ward, John

Bleyler, Ruth
 Harding, A Laurie
 Nordgren, Sharon
 Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey
 Bergeron, Jean-Guy
 Buhlman, David
 Carlson, Donald
 Clemons, Jane
 Craig, James
 Dokmo, Cynthia
 Essex, David
 Ginsburg, Ruth
 Goyette, Peter Jr
 Hall, Betty
 Hirschmann, Keith
 Irwin, Anne-Marie
 Kelly, Eugene Jr
 Lefebvre, Roland
 Messier, Irene
 O'Connell, Timothy
 Price, Pamela
 Ross, Lawrence
 Schulze, Joan
 Souza, Kathleen
 Ulery, Jordan

Allan, Nelson
 Bergin, Peter
 Calawa, Leon Jr
 Carter, Mark
 Cote, David
 Crane, Elenore Casey
 Drisko, Richard
 Foster, Linda
 Goley, Jeffrey
 Graham, John
 Hansen, Ryan
 Holden, Randolph
 Jasper, Shawn
 Kopka, Angeline
 Manney, Pamela
 Michon, Stephen
 Pappas, Christopher
 Reeves, Sandra
 Rowe, Robert
 Shaw, Barbara
 Sullivan, Francis
 Velez, Hector

Baroody, Benjamin
 Brassard, Paul
 Campbell, David
 Chase, Claudia
 Cote, Peter
 Desmarais, Vivian
 Dyer, Donald
 Gargas, Carolyn
 Gonzalez, Carlos
 Hagan, Barbara
 Harvey, Suzanne
 Hunter, Bruce
 Jean, Claudette
 L'Heureux, Robert
 Martin, Mary Ellen
 Mooney, Maureen
 Pepino, Leo
 Rochette, Eric
 Ryder, Donald
 Shaw, Kimberly
 Sullivan, Peter
 Wheeler, Robert

Beaulieu, Jane
 Brundige, Robert
 Carew, James
 Clayton, William
 Coughlin, Pamela
 DeVries, Betsi
 Elliott, Nancy
 Gibson, John
 Gorman, Mary
 Haley, Robert
 Hinkle, Peyton
 Infantine, William
 Johnson, Paula
 Lasky, Bette
 Matarazzo, Anthony Sr
 Movsesian, Lori
 Pilotte, Maurice
 Rosenwald, Cindy
 Scanlon, Michael
 Smith, David
 Tahir, Saghir

MERRIMACK

Blanchard, Elizabeth
 Currier, David
 Foose, Robert
 Hager, Elizabeth
 Langlais, Thomas
 McMahon, Patricia
 Potter, Frances
 Ryan, Jim
 Tupper, Frank
 Williams, Robert

Bouchard, Candace
 Danforth, James
 French, Barbara
 Hamm, Christine
 Lockwood, Priscilla
 Oliver, James
 Reardon, Tara
 Shurtleff, Stephen
 Wallner, Mary Jane
 Yeaton, Charles

Brueggemann, Donald
 DeJoie, John
 Gile, Mary
 Kennedy, Richard
 MacKay, James
 Osborne, Jessie
 Reed, Dennis
 Soltani, Tony
 Walz, Mary Beth

Clarke, Claire
 DeStefano, Stephen
 Greco, Vincent
 Kidder, David
 Maxfield, Roy
 Owen, Derek
 Rush, Deanna
 Tilton, Joy
 Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
 Blanchard, MaryAnn
 Camm, Kevin
 DiFruscia, Anthony
 Flanders, John Sr

Asselin, Michael
 Buxton, Donald
 Casey, Kimberley
 Dowd, John
 Flockhart, Eileen

Bettencourt, David
 Cady, Harriet
 Cooney, Richard
 Dowling, Patricia
 Forsing, Robert

Bicknell, Elbert
 Cali-Pitts, Jacqueline
 Dalrymple, Janeen
 Fesh, Bob
 Garrity, James

Gillick, Thomas
Hutchinson, Karen
Kobel, Rudolph
Moody, Marcia
O'Neil, Michael
Priestley, Anne
Rausch, James
Scamman, Stella
Stone, Joseph
Wells, Roger

Gould, Kenneth
Ingram, Russell
Langley, Jane
Moore, Benjamin
Palazzo, Frank
Putnam, Ed II
Robertson, Carl
Serlin, Christopher
Weare, E Albert
Weyler, Kenneth

Griffin, Mary
Johnson, Robert
Mason, April
Norelli, Terie
Pantelakos, Laura
Quandt, Marshall Lee
Rolston, James
Splaine, James
Welch, David
Wiley, Robert

Hughes, Daniel
Katsakiores, Phyllis
McKinney, Betsy
Nowe, Ronald
Powers, James
Quandt, Matthew
Sanders, Elisabeth
Stiles, Nancy
Weldy, Norman
Zolla, William

STRAFFORD

Berube, Roger
Brown, Lawrence
Domingo, Baldwin
Johnson, Nancy
Rollo, Michael
Spang, Judith

Bickford, David
Chaplin, Duncan
Dunlap, Patricia
Keans, Sandra
Rous, Emma
Taylor, Katherine

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Snyder, Clair
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizz, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

NAYS 89

BELKNAP

Boyce, Laurie
Rosen, Ralph
Whalley, Michael

Clark, Charles
Russell, David

Fitzgerald, James
Tilton, Franklin

Flanders, Donald
Veazey, John

CARROLL

Ahlgren, Christopher
Morrow, Harry

Chandler, Gene
Stevens, Stanley

Martin, James

McConkey, Mark

CHESHIRE

Foote, Sheila

Hunt, John

Pelkey, Stephen

Sawyer, Sheldon

COOS

None

GRAFTON

Alger, John
Ingbreton, Paul

Barker, Robert
Maybeck, Margie

Eaton, Stephanie
Mirski, Paul

Giuda, Robert
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Biundo, Michael
Christiansen, Lars
Hawkins, Ken
Mead, Robert
Renzullo, Andrew
Villeneuve, Maurice

Balboni, Michael
Boehm, Ralph
Clark, Mark
Kurk, Neal
Moran, Edward
Slocum, Lee
Wheeler, James

Barry, J Gail
Chabot, Robert
Francœur, Bea
Lawrence, James
O'Brien, William
Stepanek, Stephen

Batula, Peter
Christensen, D L Chris
Golding, William
McRae, Karen
Ober, Lynne
Vaillancourt, Steve

MERRIMACK

Anderson, Eric

Field, William

Hess, David

L'Heureux, Stephen

ROCKINGHAM

Allen, Mary
Charron, Gene
Dumaine, Dudley
Hopfgarten, Paul

Belanger, Ronald
Coburn, James
Francoeur, Sheila
Introne, Robert

Bridle, Russell
Dodge, Robert
Gilbert, Karl
Itse, Daniel

Carson, Sharon
Donahue, Richard Ken
Headd, James
Johnson, Rogers

Katsakiores, George
Morris, Richard
Winchell, George

Lund, Howie
Packard, Sherman

Major, Norman
Parker, Benjamin

McMahon, Charles
Waterhouse, Kevin

STRAFFORD

Campbell, W Packy
Newton, Clifford

Cataldo, Sam
Twombly, James

Easson, Timothy

Hollinger, Jeffrey

SULLIVAN

Osgood, Philip Sr
and the committee report was adopted.

Ordered to third reading.

Rep. Marple declared a conflict of interest and did not participate.

The House recessed at 12:05 p.m.

RECESS

(Deputy Speaker Weyler in the Chair)

The House reconvened at 1:10 p.m.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 125, relative to ignition interlock devices. (Amendment printed SJ 05/19/05)

Rep. Welch moved that the House concur.

Rep. Tholl spoke in favor.

Adopted.

HB 129-FN-L, establishing a high performance school incentive. (Amendments printed SJ 05/26/05)

Rep. Stephen L'Heureux moved that the House concur and spoke in favor.

Adopted.

HB 132, relative to the grounds for dismissal of a teacher. (Amendment printed SJ 05/26/05)

Rep. Stephen L'Heureux moved that the House concur and spoke in favor.

On a division vote, 185 members having voted in the affirmative and 93 in the negative, the motion was adopted.

HB 248, authorizing semi-annual payments of school building aid. (Amendments printed SJ 05/26/05)

Rep. Stephen L'Heureux moved that the House concur and spoke in favor.

Adopted.

HB 557, relative to the submission of data to the department of education. (Amendment printed SJ 06/02/05)

Rep. Stephen L'Heureux moved that the House concur and spoke in favor.

Adopted.

HB 628-FN, relative to the authority of law enforcement officers to close an area for the purpose of abating a threat to public health or safety. (Amendments printed SJ 05/26/05)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

HB 307, establishing a committee to study the feasibility of licensing residential building and remodeling contractors. (Amendment printed SJ 05/26/05)

Rep. Bergin moved that the House concur and spoke in favor.

Adopted.

HB 354, relative to the review, approval, and adoption of agency rules. (Amendment printed SJ 06/02/05)

Rep. Bergin moved that the House concur and spoke in favor.

Adopted.

HB 415, excepting installation of heating equipment from regulation by the electrician's board. (Amendment printed SJ 06/02/05)

Rep. Bergin moved that the House concur and spoke in favor.

Adopted.

HB 597-FN-A, relative to the natural heritage inventory program. (Amendment printed SJ 05/26/05)

Reps. Bergin and Major moved that the House concur.

Rep. Bergin spoke in favor.

On a division vote, 253 members having voted in the affirmative and 64 in the negative, the motion was adopted.

HB 478-FN-A, making an appropriation for "Newsline for the Blind." (Amendment printed SJ 05/26/05)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted.

HB 257, relative to emergency medical and trauma service protocols and quality assurance program. (Amendment printed SJ 06/02/05)

Reps. Batula and Bergin moved that the House concur.

Rep. MacKay spoke in favor.

Adopted.

HB 269, establishing a statutory committee for the protection of human research subjects. (Amendment printed SJ 05/26/05)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

HB 158, relative to Auburn, Exeter, and Hampton District Courts. (Amendment printed SJ 05/26/05)

Rep. Dokmo moved that the House concur and spoke in favor.

Adopted.

HB 618-FN-L, relative to persons acting as volunteers to a state agency. (Amendment printed SJ 05/26/05)

Rep. Bridle moved that the House concur and spoke in favor.

Adopted.

HB 549, modifying notice requirements for the acceptance of unanticipated funds by a school district, city, town, or public library. (Amendment printed SJ 05/26/05)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

HB 602-FN-A, relative to the unbundling of communications services for purposes of the application of the communications services tax. (Amendment printed SJ 05/26/05)

Rep. Major moved that the House concur and spoke in favor.

Adopted.

HB 69, relative to large groundwater withdrawals. (Amendment printed SJ 06/02/05)

Rep. Currier moved that the House concur and spoke in favor.

On a division vote, 261 members having voted in the affirmative and 51 in the negative, the motion was adopted.

HB 255, establishing a committee to study the pricing of milk. (Amendment printed SJ 5/12/05)

Rep. Babson moved that the House nonconcur and spoke in favor.

Adopted.

HCR 2, declaring October 27 to be Boston Red Sox Day. (Amendment printed SJ 05/26/05)

Rep. Hunt moved that the House nonconcur and spoke in favor.

Adopted.

HB 586, relative to the periodic review of child support guidelines. (Amendment printed SJ 06/02/05)

Rep. McRae moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair announced that on behalf of the House, the Speaker appointed Reps. Bickford, McRae, Cady and Walz.

HB 145, relative to the healthy kids corporation. (Amendment printed SJ 05/26/00)

Rep. Sheila Francoeur moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair announced that on behalf of the House, the Speaker appointed Reps. Stepanek, Stella Scamman, DeStefano and Hunt.

HB 583, establishing an oversight committee to study medical malpractice insurance rates in this state. (Amendment printed SJ 06/02/05)

Rep. Sheila Francoeur moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair announced that on behalf of the House, the Speaker appointed Reps. Stepanek, Headd, McLeod and Sheila Francoeur.

HB 204-FN, relative to unauthorized video surveillance. (Amendment printed SJ 15/26/05)
Rep. Welch moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Chair announced that on behalf of the House, the Speaker appointed Reps. Tholl, Stevens, Charron and Knowles.

HB 468, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. (Amendment printed SJ 06/02/05)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Chair announced that on behalf of the House, the Speaker appointed Reps. Knowles, Stevens, Bicknell and Villeneuve.

HB 366, relative to maintenance of voter checklists. (Amendment printed SJ 06/02/05)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Chair announced that on behalf of the House, the Speaker appointed Reps. O'Brien, Drisko, Boehm and Claudia Chase.

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee. (Amendment printed SJ 06/02/05)

Rep. Bergin moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Chair announced that on behalf of the House, the Speaker appointed Reps. Dalrymple, Dexter, Francis Sullivan and Pilotte.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire Day. (Amendment printed SJ 05/26/05)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

On a division vote, 162 members having voted in the affirmative and 140 in the negative, the motion was adopted.

The Chair announced that on behalf of the House, the Speaker appointed Reps. Paul Smith, Easson, Rollo and Currier.

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds. (Amendment printed SJ 05/26/05)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.
Rep. Kurk spoke in favor.

Adopted.

The Chair announced that on behalf of the House, the Speaker appointed Reps. Stohl, Patten, Boyce and Prichard.

(Speaker Scamman in the Chair)

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire. (Amendments printed SJ 05/26/05)

Rep. Coughlin moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Coughlin, Twombly, Heon and Rolston.

HB 357, relative to negligent driving. (Amendment printed SJ 06/02/05)

Rep. Packard moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Packard, Nedeau, Ferland and Danforth.

HB 720-FN, relative to special number plates. (Amendment printed SJ 05/26/05)

Rep. Packard moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Packard, Nedeau, Ferland and Danforth.

NONCONCURS WITH AMENDMENTS

REQUESTS COMMITTEE OF CONFERENCE

SB 5, establishing a commission to study the state park system.

The President appointed Sens. Johnson, Gallus and Larsen.

Rep. Currier moved that the House accede.

Adopted.

The Speaker appointed Reps. Currier, Irish, Sanders and Parkhurst.

SB 142, extending the reporting date of the commission to study issues relative to groundwater withdrawals.

The President appointed Sens. Johnson, Odell and D'Allesandro.

Rep. Carrier moved that the House accede.

Adopted.

The Speaker appointed Reps. Carrier, Goyette, Chris Christensen and Spang.

SB 62-FN, allowing court fees to be paid by credit card.

The President appointed Sens. D'Allesandro, Clegg and Odell.

Rep. Major moved that the House accede.

Adopted.

The Speaker appointed Reps. Camm, Jasper, Hinkle and Almy.

REGULAR CALENDAR (CONT'D.)

SB 170, revising the nurse practice act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This is a major revision of the nurse practice act, the first major revision in decades. This bill clarifies the parameters of Scope of Practice for all nurses and also clarifies the difference between Advanced Registered Nurse Practitioner (ARNP) categories and Scope of Practice. The committee felt that it was important to assure legislative approval for Scope of Practice. No new advanced specialty categories that have not been approved by a national credentialing body may be recognized by the New Hampshire board without the approval of the legislature. This bill also addresses the separate issue of how advanced registered nurse practice specialty categories are created through national accrediting bodies approved by the New Hampshire State Board of Nursing. Continuing competence requirements were reviewed and delineated. The bill retains the criminal background checks required for New Hampshire nurses but does not require such checks for compact nurses. This differentiation is necessary for New Hampshire to participate in the multi-state nursing compact which was approved in previous legislation. This bill includes a duty to warn and privileged communication requirements for all licensees. Some members of the committee felt that this provision should be restricted (as it is today) to psychiatric ARNPs who have a therapeutic relationship with clients. Vote 14-0.

Amendment (1696h)

Amend RSA 326-B:1 as inserted by section 1 of the bill by replacing it with the following:

326-B:1 Purpose. In order to safeguard the life, health, and public welfare of the people of New Hampshire and in order to protect the people of the state from the unauthorized, unqualified, and improper application of services by individuals in the practice of nursing, it is necessary that a regulatory authority be established and adequately funded. To further this policy, the practice of nursing shall be regulated through the New Hampshire board of nursing, and such board shall have the power to enforce the provisions of this chapter. Licensees under this chapter are accountable to clients, the nursing profession, and the board for complying with the requirements of this act and the quality of nursing care rendered, and for recognizing limits of knowledge and experience and planning for management of situations beyond the licensee's experience.

Amend RSA 326-B:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Advanced registered nurse practitioner" or "ARNP" means a registered nurse currently licensed by the board under RSA 326-B:18.

Amend RSA 326-B:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "Continuing competence" means integrated learning by which a licensee gains, maintains, or refines practice knowledge, skills, and abilities. This development may occur through a formal education program, continuing education, and clinical practice, and is expected to continue throughout the practitioners' career.

Amend RSA 326-B:2, V as inserted by section 1 of the bill by replacing it with the following:

V. "Licensed practical nurse" or "LPN" means an individual who holds a current license to practice practical nursing as defined in paragraph IX.

Amend RSA 326-B:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. "Nursing" means assisting clients or groups of clients to attain or maintain optimal health by implementing a strategy of care to accomplish defined goals and by evaluating responses to nursing care and medical treatment. Nursing includes basic health care that helps both clients and groups of clients cope with difficulties in daily living associated with their actual or potential health or illness status and also those nursing activities that require a substantial amount of scientific knowledge or technical skill.

Amend RSA 326-B:4, I as inserted by section 1 of the bill by replacing it with the following:

I. Establish reasonable and uniform standards for nursing practice consistent with the criteria identified by the National Council of State Boards of Nursing.

Amend RSA 326-B:4, XIII and XIV as inserted by section 1 of the bill by replacing them with the following:

XIII. Establish and collect fees, under rules adopted by the board under RSA 541-A, relative to applicants seeking any type of license issued by the board under this chapter, including fees for applications for temporary licenses, reinstatement of inactive licenses, license by examinations, and renewal of licenses, as well as fees for verifying license status, program graduation, or computerized lists.

XIV. Require a registered nurse or a licensed practical nurse licensed in the state of New Hampshire to obtain a multistate license if the registered nurse or licensed practical nurse practices in a remote state.

Amend RSA 326-B as inserted by section 1 of the bill by deleting RSA 326-B:9 and renumbering the original RSA 326-B:10 - 47 to read as RSA 326-B:9 - 46, respectively.

Amend RSA 326-B:9, III as inserted by section 1 of the bill by replacing it with the following:

III. Recognition of national certifying bodies issuing specialty certifications required for licensure as an ARNP which shall also be recognized by the National Council of State Boards of Nursing.

Amend RSA 326-B:9, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Continuing competence requirements.

Amend RSA 326-B:9, XI as inserted by section 1 of the bill by replacing it with the following:

XI. The implementation and coordination of the nurse licensure compact adopted in RSA 326B:46. The board shall use model rules developed for the nurse licensure compact by the National Council of State Boards of Nursing as the basis for adopting rules which shall be modified as necessary to comply with state statutes.

Amend RSA 326-B:11 as inserted by section 1 of the bill by replacing it with the following:

326-B:11 Scope of Practice and Authority; Advanced Registered Nurse Practitioner.

I. Advanced registered nursing practice by nurse practitioners shall consist of a combination of knowledge and skills acquired in basic nursing education. The ARNP scope of practice, with or without compensation or personal profit, shall be limited to:

(a) Performing acts of advanced assessment, diagnosing, prescribing, selecting, administering, and providing therapeutic measures and treatment regimes;

(b) Obtaining consultation, planning, and implementing collaborative management, referral, or transferring the care of the client as appropriate; and

(c) Providing such functions common to a nurse practitioner for which the ARNP is educationally and experientially prepared and which are consistent with standards established by a national credentialing or certification body recognized by the National Council of State Boards of Nursing and approved by the board in the appropriate ARNP role and specialty.

II. An ARNP shall practice within standards consistent with standards established by a national credentialing or certification body recognized by the National Council of State Boards of Nursing and approved by the board in the appropriate ARNP role and specialty. The board shall not approve a new advanced practice specialty category that has not been developed by a national credentialing or certifying body recognized by the National Council of State Board of Nursing and without approval of the legislature under RSA 332-G:6. Each ARNP shall be accountable to clients and the board:

(a) For complying with this chapter and the quality of advanced nursing care rendered;

(b) For recognizing limits of knowledge and experience and planning for the management of situations beyond the ARNP's expertise; and

(c) For consulting with or referring clients to other health care providers as appropriate.

III. An ARNP shall have plenary authority to possess, compound, prescribe, administer, and dispense and distribute to clients controlled and non-controlled drugs in accordance with the formula established by the joint health council and within the scope of the ARNP's practice as defined by this chapter. Such authority may be denied, suspended, or revoked by the board after notice and the opportunity for hearing, upon proof that the authority has been abused.

IV. Any expansion of the scope of practice shall be adopted by legislation in accordance with RSA 332-G:6.

Amend the introductory paragraph of RSA 326-B:12, I as inserted by section 1 of the bill by replacing it with the following:

I. An RN shall, with or without compensation or personal profit, practice nursing that incorporates caring for all clients in all settings, is guided by nursing standards consistent with standards established by the National Council of State Boards of Nursing and approved by the board, and shall be limited to:

Amend RSA 326-B:12 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. Any expansion of the scope of practice shall be adopted by legislation in accordance with RSA 332-G:6.

Amend the introductory paragraph and subparagraph (a) of RSA 326-B:13, I as inserted by section 1 of the bill by replacing it with the following:

I. An LPN shall, with or without compensation or personal profit, practice under the supervision of an RN, ARNP, licensed physician, or dentist. Such practice is guided by nursing standards established by the National Council of State Boards of Nursing and approved by the board, and shall be limited to:

(a) Collecting data and conducting focused nursing assessments of the health status of clients. Amend RSA 326-B:13 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. Any expansion of the scope of practice shall be adopted by legislation in accordance with RSA 332-G:6.

Amend RSA 326-B:14, III(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Form a relationship, communicate, and interact effectively with individuals and groups.

Amend RSA 326-B:14, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The task has been properly delegated to the nursing assistant by the supervising licensed nurse pursuant to RSA 326-B:28.

Amend RSA 326-B:14 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. Any expansion of the scope of practice shall be adopted by legislation in accordance with RSA 332-G:6.

Amend RSA 326-B:16, V as inserted by section 1 of the bill by replacing it with the following:

V. Meet continuing competence requirements as defined in rules adopted under RSA 541-A. Amend RSA 326-B:18, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Have graduated with a graduate degree earned in an accredited advanced registered nurse practitioner education program or have graduated before July 1, 2004 from an ARNP education program accredited by a national accrediting body;

Amend RSA 326-B:22 as inserted by section 1 of the bill by replacing it with the following:

326-B:22 License Renewal; All Licensees:

I. All license renewals shall be issued biennially.

II. Any person licensed who intends to continue practicing as a nurse or nursing assistant shall:

(a) By midnight on his or her date of birth in the renewal year submit a completed application and fees as established by the board;

(b) Report any pending criminal charges, criminal convictions, or plea arrangements in lieu of convictions;

(c) Have committed no acts or omissions which are grounds for disciplinary action as set forth in this chapter, or, if such acts have been committed and would be grounds for disciplinary action, the board has found, after investigation, that sufficient restitution has been made;

(d) Meet continuing competence requirements as defined in rules adopted under RSA 541-A;

(e) For those licensees applying for renewal following disciplinary action, comply with all board licensure requirements as well as any specific requirements set forth in the board's discipline order; and

(f) Meet other criteria as established by the board.

III. Failure to renew the license shall result in forfeiture of the ability to practice nursing or nursing activities in the state of New Hampshire.

Amend RSA 326-B:23, I as inserted by section 1 of the bill by replacing it with the following:

I. An individual who applies for license reinstatement who does not meet the continuing competence requirements shall demonstrate current nursing or nursing assistant knowledge and skill, as defined in rules adopted by the board under RSA 541-A.

Amend RSA 326-B:23 as inserted by section I of the bill by inserting after paragraph II the following new paragraph:

III. Application for reinstatement of a license which has lapsed under this section shall include payment of a reinstatement fee and be made, and granted or denied, in accordance with rules adopted by the board pursuant to RSA 541-A.

Amend RSA 326-B:24 as inserted by section I of the bill by replacing it with the following:

326-B:24 Temporary Licenses; All Licensees.

I. The board may issue temporary licenses, as provided in paragraph II, to applicants who meet entry level licensing requirements in the license category. A temporary license shall expire on the date the board approves or denies the permanent license sought by the holder of the temporary license, or in 120 days, whichever is less.

II. The following applicants for licensure as RNs or LPNs may be issued temporary licenses:

(a) Unlicensed applicants for licensure under paragraph I and applicants for licensure under RSA 326-B who have met all requirements for licensure except that they have not yet taken the required examination or the results of the examination are not yet available to the board.

(b) If they can demonstrate proficiency in English, currently foreign-licensed applicants for licensure under RSA 326-B who have met all requirements for licensure except that they have not yet taken the required examination or the results of the examination are not yet available to the board.

(c) Applicants for licensure under RSA 326-B who have met all of the requirements of that paragraph and are awaiting the board's decision on their application for permanent licensure.

III. Applicants described in paragraph II who have received temporary licenses shall practice only under the supervision of an RN currently licensed in New Hampshire.

Amend the section heading of RSA 326-B:29 as inserted by section I of the bill by replacing it with the following:

326-B:29 Delegation; Circumstances Not Subject to Disciplinary Action by the Board of Nursing.

Amend RSA 326-B:29, II as inserted by section I of the bill by replacing it with the following:

II. No person may coerce an RN or an LPN into compromising client safety by requiring the nurse to delegate a nursing activity or task when the nurse determines that it is inappropriate to do so. A licensee shall not be subject to disciplinary action for refusing to delegate or refusing to provide training related to such delegation when the licensee has determined that such delegation may compromise client safety except as provided in RSA 326-B:37, II(h)(2).

Amend RSA 326-B:32, I as inserted by section I of the bill by replacing it with the following:

I. The board shall establish standards for the establishment and outcomes for nursing and nursing assistant education programs intended to prepare students for licensure or for certification, including clinical learning experiences. The board shall approve, disapprove, or withdraw approval for such programs that meet or fail to meet the requirements of this chapter. An educational institution or other entity conducting such an education program shall comply with paragraphs II and III and rules adopted by the board pursuant to RSA 541-A.

Amend RSA 326-B:33 as inserted by section I of the bill by replacing it with the following:

326-B:33 Duty to Warn of Violent Acts of Client; Civil Liability.

I. Any licensee, or person working under the supervision of a licensee to provide services that are customary and necessary for diagnosis or treatment, has a duty to warn of, or to take reasonable precautions to provide protection from, a client's violent behavior when the client has communicated to the ARNP or the person working under an ARNP licensee, or person working under the supervision of a licensee, a serious threat of physical violence against a clearly identified or reasonably identifiable victim or victims, or a serious threat of substantial damage to real property.

II. The duty may be discharged by the licensee, or a person working under the supervision of a licensee to provide services that are customary and necessary for diagnosis or treatment by making reasonable efforts to communicate the threat to the victim or victims, notifying the police department closest to the client's or potential victim's residence, or obtaining civil commitment of the client to the state mental health system.

III. No monetary liability or cause of action based on breach of client privacy, confidentiality, or any other ground shall arise from an act or communication done in a good faith effort to discharge a duty in accordance with paragraph II.

Amend RSA 326-B:35 as inserted by section I of the bill by inserting after paragraph III the following new paragraph:

IV. This section shall also not apply to the release of blood samples and the results of laboratory tests for blood alcohol content taken from a person who is under investigation for driving a motor vehicle while such person was under the influence of intoxicating liquors or controlled drugs. The use and disclosure of such information shall be limited to the official criminal proceedings. Amend the section heading of RSA 326-B:44 as inserted by section I of the bill by replacing it with the following:

326-B:44 Certified Midwifery Not the Practice of Nursing

Amend the bill by replacing section 6 with the following:

6 Pharmacies; Definitions. Amend RSA 318:1, I-a to read as follows:

I-a. "Advanced registered nurse practitioner" means a person licensed to practice as an advanced registered nurse practitioner in this state pursuant to RSA ~~[326-B:10]~~ **326-B:18**.

Amend the bill by replacing sections 8 - 13 with the following:

8 Controlled Drug Act; Definitions. Amend RSA 318-B:1, 1-b to read as follows:

I-b. "Advanced registered nurse practitioner" means a person licensed to practice as an advanced registered nurse practitioner in this state pursuant to RSA ~~[326-B:10]~~ **326-B:18**.

9 Respiratory Care Practice Act; Definitions. Amend RSA 326-E:1, V to read as follows:

V. "Nurse practitioner" means a person licensed to practice as an advanced registered nurse practitioner in this state pursuant to RSA ~~[326-B]~~ **326-B:18**.

10 Mental Health Practice; Definitions. Amend RSA 330-A:2, VIII to read as follows:

VIII. "Psychotherapist" means a psychologist, clinical social worker, pastoral psychotherapist, clinical mental health counselor, or marriage and family therapist licensed under this chapter who performs or purports to perform psychotherapy. This definition shall include psychiatrists licensed as physicians under RSA 329 and advanced registered nurse practitioners licensed under RSA ~~[326-B:10]~~ **326-B:18** as psychiatric nurse practitioners.

11 Mental Health Practice; Penalties. Amend RSA 330-A:23, I to read as follows:

I. Except as provided in RSA 330-A:34, it shall be unlawful for any person to be engaged in mental health practice unless that person is licensed by the board, working as a candidate under the direct supervision of a person licensed by the board, or engaged in the practice of other mental health services as an alternative provider as defined in RSA 330-A:2, I. The license or the registration of such person shall be current and valid. It shall be unlawful for any person to practice as or to refer to oneself as a psychologist, a pastoral psychotherapist, a clinical social worker, a clinical mental health counselor, or a marriage and family therapist, or use the word "psychotherapist," or any variation thereof, in such person's title unless that person is licensed by the board or working as a candidate under the direct supervision of a person licensed by the board. Psychiatrists licensed under RSA 329 and psychiatric nurse practitioners licensed under RSA ~~[326-B:10]~~ **326-B:18** may refer to themselves as psychotherapists.

12 Mental Health Practice; Persons Exempted. Amend RSA 330-A:34, I(e) to read as follows:

(e) The psychotherapy activities and services of physicians licensed under RSA 329, and advanced registered nurse practitioners, licensed under RSA ~~[326-B:10]~~ **326-B:18**.

13 Insurance; Coverage for Mental or Nervous Conditions. Amend RSA 415:18-a, V(d) to read as follows:

(d) "Psychiatric/mental health advanced registered nurse practitioner" means an individual who is licensed as an advanced registered nurse practitioner in psychiatric mental health nursing under RSA ~~[326-B:10]~~ **326-B:18**, who is defined by and whose scope of practice is described under the rules adopted pursuant to RSA 326-B, and who is a licensed registered nurse, educationally prepared in nursing at a minimum of the master's level, and certified in the specialty by a recognized national certifying agency, such as the American Nurses Credentialing Center.

Amendment adopted.

Rep. Pillotte offered floor amendment (1729h).

Floor Amendment (1729h)

Amend RSA 326-B:4, XIII and XIV as inserted by section I of the bill by replacing them with the following:

XIII. Establish and collect fees, under rules adopted by the board pursuant to RSA 541-A, relative to applicants seeking any type of license issued by the board under this chapter, including fees for applications for temporary licenses, reinstatement of inactive licenses, license by examinations, renewal of licenses, and multistate licenses, as well as fees for verifying license status, program graduation, or computerized lists.

XIV. Require a registered nurse or a licensed practical nurse licensed in the state of New Hampshire to obtain a multistate license if the registered nurse or licensed practical nurse practices in a remote state. The board may charge an additional fee for such a multistate license.

Amend RSA 326-B:11, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The following specialty areas:

- (1) Nurse midwife.
- (2) Pediatric nurse practitioner.
- (3) Family nurse practitioner.
- (4) Women's health nurse practitioner.
- (5) Adult nurse practitioner.
- (6) Geriatric nurse practitioner.
- (7) School nurse practitioner.
- (8) Psychiatric/mental health nurse practitioner.
- (9) Emergency/trauma nurse practitioner.
- (10) Neo-natal nurse practitioner.
- (11) Certified registered nurse anesthetist.
- (12) Acute care nurse practitioner.
- (13) Community health nurse practitioner.
- (14) Reproductive health nurse practitioner.
- (15) Oncology nurse practitioner.
- (16) Palliative care nurse practitioner.
- (17) Wound care nurse practitioner.

Amend RSA 326-B:29, II as inserted by section 1 of the bill by replacing it with the following:

II. No person may coerce an RN or an LPN into compromising client safety by requiring the nurse to delegate a nursing activity or task when the nurse determines that it is inappropriate to do so. A licensee shall not be subject to disciplinary action for refusing to delegate or refusing to provide training related to such delegation when the licensee has determined that such delegation may compromise client safety.

III. No person may coerce a licensee to accept delegation of a nursing activity or task when such delegation may compromise client safety. A licensee shall not be subject to disciplinary action for refusing to accept delegation when the licensee believes that such delegation may compromise client safety.

Rep. Pilotte spoke in favor.

Rep. Millham spoke against.

On a division vote, 26 members having voted in the affirmative and 314 in the negative, floor amendment (1729h) failed.

The question being adoption of the committee report.

Rep. Souza spoke against.

MOTION TO LAY ON THE TABLE

Rep. Hagan moved that **SB 170**, revising the nurse practice act, be laid on the table.

Rep. Buhlman requested a roll call; sufficiently seconded.

The question being adoption of the motion to lay SB 170 on the table.

YEAS 87 NAYS 273

YEAS 87

BELKNAP

Boyce, Laurie

Tilton, Franklin

Tobin, William

Wendelboe, Fran

CARROLL

Dickinson, Howard

CHESHIRE

None

COOS

Morneau, Renney

Richardson, Herbert

GRAFTON

Giuda, Robert
Williams, Burton

Ingbretson, Paul

Maybeck, Margie

Mirski, Paul

HILLSBOROUGH

Aboshar, Jeffrey
Bergeron, Jean-Guy
Brundige, Robert
Carlson, Donald
Crane, Elenore Casey
Francoeur, Bea
Hagan, Barbara
Infantine, William
Renzullo, Andrew
Ulery, Jordan

Adams, Jarvis IV
Biundo, Michael
Buhlman, David
Chabot, Robert
Desmarais, Vivian
Gibson, John
Hinkle, Peyton
Lawrence, James
Slocum, Lee
Villeneuve, Maurice

Allan, Nelson
Boehm, Ralph
Calawa, Leon Jr
Christiansen, Lars
Dyer, Donald
Gonzalez, Carlos
Hirschmann, Keith
Mead, Robert
Souza, Kathleen
Wheeler, James

Balboni, Michael
Brassard, Paul
Carew, James
Clark, Mark
Elliott, Nancy
Goyette, Peter Jr
Hunter, Bruce
Mooney, Maureen
Stepanek, Stephen

MERRIMACK

Field, William
Whiting, Herbert

Kennedy, Richard

Langlais, Thomas

Soltani, Tony

ROCKINGHAM

Allen, Mary
DiFruscia, Anthony
Garritty, James
Johnson, Rogers
Quandt, Marshall Lee
Weldy, Norman

Bettencourt, David
Dodge, Robert
Hopfgarten, Paul
Katsakiores, Phyllis
Quandt, Matthew
Weyler, Kenneth

Bicknell, Elbert
Donahue, Richard Ken
Ingram, Russell
McMahon, Charles
Rolston, James
Wiley, Robert

Cady, Harriet
Dumaine, Dudley
Itse, Daniel
Morris, Richard
Waterhouse, Kevin
Zolla, William

STRAFFORD

Cataldo, Sam
Twombly, James

Chaplin, Duncan

Easson, Timothy

Hollinger, Jeffrey

SULLIVAN

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 273**BELKNAP**

Allen, Janet
Morrison, Gail
Russell, David

Clark, Charles
Nedeau, Stephen
Veazey, John

Fitzgerald, James
Pilliod, James
Whalley, Michael

Millham, Alida
Rosen, Ralph

CARROLL

Ahlgren, Christopher
Chandler, Gene
Morrow, Harry

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Patten, Betsey

Buco, Thomas
McConkey, Mark
Stevens, Stanley

CHESHIRE

Allen, Peter
Dexter, Judson
Espiefs, Peter
Mitchell, Bonnie
Pratt, John
Tilton, Anna

Butcher, Suzanne
Dunn, J Timothy
Foote, Sheila
Parkhurst, Henry
Richardson, Barbara
Weed, Charles

Butynski, William
Eaton, Daniel
Hogancamp, Deborah
Pelkey, Stephen
Robertson, Timothy

Chase, William
Emerson, Susan
Hunt, John
Plifka, Stanley Jr
Sawyer, Sheldon

COOS

Buzzell, Bernard
Merrick, Scott

King, Frederick
Remick, William

Lary, Bruce
Stohl, Eric

Mears, Edgar
Tholl, John Jr

GRAFTON

Alger, John
Benn, Bernard
Gionet, Edmond
Mulholland, Catherine
Solomon, Peter

Almy, Susan
Bleyler, Ruth
Hammond, Lee
Naro, Debra
Sorg, Gregory

Andersen, Gene
Cooney, Mary
Harding, A Laurie
Nordgren, Sharon
Ward, John

Barker, Robert
Eaton, Stephanie
McLeod, Martha
Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Christensen, D L Chris
Coughlin, Pamela
Emerton, Larry
Ginsburg, Ruth
Graham, John
Hawkins, Ken
Jasper, Shawn
Kopka, Angeline
Lefebvre, Roland
McRae, Karen
Mosesian, Lori
Pappas, Christopher
Reeves, Sandra
Rowe, Robert
Shaw, Barbara
Sullivan, Peter

Barry, J Gail
Campbell, David
Clemons, Jane
DeVries, Betsi
Essex, David
Golding, William
Haley, Robert
Hebert, Raymond
Jean, Claudette
Kurk, Neal
Manney, Pamela
Messier, Irene
O'Brien, William
Pepino, Leo
Rochette, Eric
Ryder, Donald
Shaw, Kimberly
Vaillancourt, Steve

Batula, Peter
Carter, Mark
Cote, David
Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Hansen, Ryan
Holden, Randolph
Johnson, Paula
L'Heureux, Robert
Martin, Mary Ellen
Michon, Stephen
O'Connell, Timothy
Pilotte, Maurice
Rosenwald, Cindy
Scanlon, Michael
Smith, David
Velez, Hector

Beaulieu, Jane
Chase, Claudia
Cote, Peter
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Harvey, Suzanne
Irwin, Anne-Marie
Kelly, Eugene Jr
Lasky, Bette
Matarazzo, Anthony Sr
Moran, Edward
Ober, Lynne
Price, Pamela
Ross, Lawrence
Schulze, Joan
Sullivan, Francis
Wheeler, Robert

MERRIMACK

Anderson, Eric
Clarke, Claire
DeStefano, Stephen
Greco, Vincent
Kidder, David
Marple, Richard
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Williams, Robert

Blanchard, Elizabeth
Currier, David
Foose, Robert
Hager, Elizabeth
L'Heureux, Stephen
Maxfield, Roy
Owen, Derek
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
Danforth, James
French, Barbara
Hamm, Christine
Lockwood, Priscilla
McMahon, Patricia
Potter, Frances
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
DeJoie, John
Gile, Mary
Hess, David
MacKay, James
Oliver, James
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Casey, Kimberley
Dalrymple, Janeen
Flanders, John Sr
Gilbert, Karl
Headd, James
Johnson, Robert
Major, Norman
Norelli, Terie
Palazzo, Frank
Putnam, Ed II
Scamman, Stella
Stone, Joseph
Winchell, George

Asselin, Michael
Cali-Pitts, Jacqueline
Charron, Gene
Dowd, John
Flockhart, Eileen
Gillick, Thomas
Hughes, Daniel
Katsakiores, George
Mason, April
Nowe, Ronald
Pantelakos, Laura
Rausch, James
Serlin, Christopher
Weare, E Albert

Blanchard, MaryAnn
Camm, Kevin
Coburn, James
Dowling, Patricia
Forsing, Robert
Gould, Kenneth
Hutchinson, Karen
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Powers, James
Robertson, Carl
Splaine, James
Welch, David

Bridle, Russell
Carson, Sharon
Cooney, Richard
Fesh, Bob
Francoeur, Sheila
Griffin, Mary
Introne, Robert
Langley, Jane
Moody, Marcia
Packard, Sherman
Priestley, Anne
Sanders, Elisabeth
Stiles, Nancy
Wells, Roger

STRAFFORD

Berube, Roger
Brown, Lawrence

Bickford, David
Cilley, Jacalyn

Brown, Jennifer
Creteau, Irene

Brown, Julie
Domingo, Baldwin

Dunlap, Patricia
Johnson, Nancy
Newton, Clifford
Snyder, Clair

Grassie, Anne
Keans, Sandra
Rollo, Michael
Spang, Judith

Hilliard, Dana
Knowles, William
Rous, Emma
Taylor, Kathleen

Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

and the motion to lay SB 170 on the table failed.

Committee report adopted and ordered to third reading.

Rep. Kris Roberts declared a conflict of interest and did not participate.

SPECIAL ORDER

SB 196, requiring a hearing when medical malpractice insurance rates change. **INEXPEDIENT TO LEGISLATE**

Rep. James F. Headd for Commerce: New Hampshire is a "file and use" state meaning the insurance carrier establishes a date then files for insurance department approval. The carrier that offers medical malpractice insurance coverage traditionally files its new rates with the department two to three months before implementing them. This is done because the carriers do not want to incur the information technology cost to set up and then be faced with the prospect of having to reconfigure. Additionally, a right of appeal already exists in statute for persons or other entities who believe they are being overcharged. The committee felt that there is currently no problem with the way these rates are filed. Vote 16-2.

Reps. Buzzell, Daniel Eaton, and Marshall Quandt spoke against.

Reps. Headd and Sheila Francoeur spoke in favor.

Rep. Buzzell requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 263 NAYS 88

YEAS 263

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Clark, Charles
Pilliod, James
Tilton, Franklin
Whalley, Michael

Fitzgerald, James
Rosen, Ralph
Tobin, William

Millham, Alida
Russell, David
Veazey, John

CARROLL

Ahlgren, Christopher
Chandler, Gene
McConkey, Mark
Stevens, Stanley

Babson, David Jr
Dickinson, Howard
Morrow, Harry

Brown, Carolyn
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

CHESHIRE

Allen, Peter
Hogancamp, Deborah
Sawyer, Sheldon

Dexter, Judson
Hunt, John

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Richardson, Barbara

COOS

King, Frederick
Tholl, John Jr

Lary, Bruce

Richardson, Herbert

Stohl, Eric

GRAFTON

Alger, John
Eaton, Stephanie
Maybeck, Margie
Naro, Debra
Williams, Burton

Barker, Robert
Gionet, Edmond
McLeod, Martha
Nordgren, Sharon

Bleyler, Ruth
Harding, A Laurie
Mirski, Paul
Solomon, Peter

Cooney, Mary
Ingbreton, Paul
Mulholland, Catherine
Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Calawa, Leon Jr	Carew, James	Carlson, Donald	Carter, Mark
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clemons, Jane
Coughlin, Pamela	Desmarais, Vivian	DeVries, Betsi	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Foster, Linda
Gargas, Carolyn	Gibson, John	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hinkle, Peyton	Hirschmann, Keith	Hunter, Bruce	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kelly, Eugene Jr
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Lefebvre, Roland	Manney, Pamela	McRae, Karen	Mead, Robert
Messier, Irene	Michon, Stephen	Moran, Edward	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pepino, Leo
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Slocum, Lee	Smith, David	Souza, Kathleen	Stepanek, Stephen
Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Bueggemann, Donald
Currier, David	Danforth, James	DeJoie, John	DeStefano, Stephen
Field, William	Hager, Elizabeth	Kennedy, Richard	Kidder, David
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Oliver, James	Owen, Derek
Reardon, Tara	Reed, Dennis	Soltani, Tony	Tilton, Joy
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Bettencourt, David	Bicknell, Elbert
Blanchard, MaryAnn	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Casey, Kimberley	Charron, Gene	Coburn, James
Cooney, Richard	Dodge, Robert	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Major, Norman	Mason, April	McKinney, Betsy	McMahon, Charles
Morris, Richard	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Priestley, Anne	Putnam, Ed II	Rausch, James	Robertson, Carl
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Wells, Roger	Weyler, Kenneth	Wiley, Robert	Winchell, George
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy
Grassie, Anne	Hilliard, Dana	Hofemann, Roland	Hollinger, Jeffrey
Keans, Sandra	Knowles, William	Miller, Joseph	Newton, Clifford
Rollo, Michael	Schmidt, Peter	Spang, Judith	Taylor, Kathleen
Twombly, James	Wall, Janet		

SULLIVAN

Converse, Larry
Prichard, Stephen

Gale, Harry
Rodeschin, Beverly

Jillette, Arthur Jr

Osgood, Philip Sr

NAYS 88
BELKNAP

Morrison, Gail

CARROLL

None

CHESHIRE

Butcher, Suzanne
Eaton, Daniel
Plifka, Stanley Jr
Tilton, Anna

Butynski, William
Espiefs, Peter
Pratt, John
Weed, Charles

Chase, William
Mitchell, Bonnie
Roberts, Kris

Dunn, J Timothy
Parkhurst, Henry
Robertson, Timothy

COOS

Buzzell, Bernard
Remick, William

Mears, Edgar

Merrick, Scott

Morneau, Renney

GRAFTON

Almy, Susan
Hammond, Lee

Andersen, Gene
Sokol, Hilda

Benn, Bernard

Giuda, Robert

HILLSBOROUGH

Allan, Nelson
Chase, Claudia
Dokmo, Cynthia
Hebert, Raymond
Martin, Mary Ellen
Rochette, Eric

Baroody, Benjamin
Clark, Mark
Essex, David
Holden, Randolph
Matarazzo, Anthony Sr
Sullivan, Peter

Buhlman, David
Cote, David
Francoeur, Bea
Johnson, Paula
Mooney, Maureen
Ulery, Jordan

Campbell, David
Cote, Peter
Haley, Robert
Lasky, Bette
Pappas, Christopher

MERRIMACK

Foose, Robert
McMahon, Patricia
Ryan, Jim
Yeaton, Charles

French, Barbara
Osborne, Jessie
Shurtleff, Stephen

Gile, Mary
Potter, Frances
Tupper, Frank

Greco, Vincent
Rush, Deanna
Wallner, Mary Jane

ROCKINGHAM

Buxton, Donald
Moody, Marcia
Quandt, Marshall Lee
Weldy, Norman

Cali-Pitts, Jacqueline
Norelli, Terie
Quandt, Matthew

DiFruscia, Anthony
Pantelakos, Laura
Serlin, Christopher

Johnson, Robert
Powers, James
Splaine, James

STRAFFORD

Brown, Jennifer
Creteau, Irene

Brown, Julie
Rous, Emma

Brown, Lawrence
Snyder, Clair

Cilley, Jacalyn

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Donovan, Thomas
Phinizy, James

Ferland, Brenda

Franklin, Peter

and the committee report was adopted.

SPECIAL ORDER

SB 113-FN, relative to the use of federal funds for technology improvements within the department of employment security. **OUGHT TO PASS**

Rep. Joseph E. Stone for Finance: There are federal funds made available to this state under section 903(d) of the Social Security Act, 42 USC section 1103d. These funds are to be used under the direction of the NH Department of Employment Security for the purpose of developing and implementing a new automated unemployment compensation benefit system including the upgrade or replacement of critical interfaces. Funds may include providing funds for hardware, software, equipment, staffing, technology maintenance that are in accordance with any user authorized by the United States Congress now or in the future. Vote 22-0
Committee report adopted and ordered to third reading.

SB 214, relative to screening panels for medical injury claims. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Bette R. Lasky for the Majority of Judiciary: This bill is a measure that would alter the system by which our state's civil justice system processes medical malpractice litigation. The bill, as passed by the Senate and with the amendment recommended by the committee, would create a pre-trial system of screening medical malpractice cases in our superior courts. The screening panel consists of a doctor practicing in the same or similar specialty as the defendant, a judge, and a lawyer. These individuals have the expertise and experience to evaluate the information presented without the expense and time of a "mini-trial." SB 214 as amended preserves the screening panel provided for in the original bill, but streamlines its procedure by limiting evidence at the hearing to offers of proof rather than formal testimony. It creates a true screening panel, designed to separate meritorious from non-meritorious cases, to determine if there is sufficient evidence to raise a legitimate question of liability. If a panel hearing cannot be achieved within 6 months, the case shall be screened by a single justice of the superior court within 45 days who will then determine if the evidence presented is sufficient to raise the question of liability. Any controversy not resolved by agreement of the parties in light of the screening opinion would then be submitted to a mediator for mandatory mediation within forty-five days. If the mediation process is not successful, the parties would then proceed to trial in the normal fashion. In neither instance does the screening panel or screening judge determine anything other than merit or non-merit and does not determine in any way a "winner" or a "loser." There will be no findings admissible to the jury to interfere in any way with the right to an impartial jury. The amendment is the product of extensive study undertaken in response to the numerous questions raised by the bill and by the competing claims of the medical and legal professions concerning it. Over the past three months, the committee has heard scores of hours of testimony and received hundreds of pages of information. Following an initial seven-hour public hearing, the committee scheduled further hearings to which it invited experts in various disciplines implicated in the bill, including representatives of the New Hampshire Insurance Department, the Joint Underwriters Association, the New Hampshire Center for Policy Studies, the Board of Medicine, Franklin Pierce Law Center, and the founder of the former Matthew Thornton Health Clinic. Testimony was virtually unanimous that there are no frivolous lawsuits filed in New Hampshire, that New Hampshire's courts and juries do not award excessive verdicts, and that few non-meritorious suits are filed. Further, punitive damages are prohibited in New Hampshire, and we already have in place a statutory penalty that adequately deters frivolous lawsuits. Finally, even insurance specialists acknowledge that the installation of a Maine screening panel system will not lower medical malpractice insurance premiums, but, at best may stabilize their increase. The Bureau of Insurance of the State of Maine has acknowledged being unable to conclude that its system has been a factor impacting either the cost of health care generally or medical liability insurance in particular. The committee learned that Maine's system is not functioning satisfactorily procedurally in a number of ways. Most significant is that the average wait for assembling a panel is at least 1.7 years because of the difficulty in avoiding conflicts of interest in a state with a relatively small number of physicians in any given specialty and in particular the difficulty of locating physicians qualified to serve who not only do not know the defendant physician or the attorneys involved and who are not insured by the same entity as the defendant physician. Although the Supreme Court of Maine has found its screening panel statute constitutional under that state's constitution, according to NH constitutional experts, it is by no means certain that a similar bill here would pass constitutional muster under the unique terms of Article 20 of our Bill of Rights, which states that the right to trial by jury "shall be held sacred." The bi-partisan majority of the Judiciary Committee believes SB 214 as amended is a reasoned compromise to SB 214 as introduced and is a means toward achieving the right balance for New Hampshire's physicians and its citizens who need access to the courts for wrongful medical injuries. Vote 12-6.

Rep. John B. Hunt for the Minority of Judiciary: SB 214 without amendment, represents a bipartisan, 3+ year effort to help improve the medical liability climate in New Hampshire in order to protect access to critical medical specialty care. We need to keep our medical specialists here and we need to be able to attract and recruit new physicians to the Granite State. In 2003, the NH Legislature created a commission that studied the existing, ineffective pre-trial screening panel law, RSA 519-A. As a result of the commission's work, HB 1413 was introduced in 2004. That bill, based on the 20-year old successful Maine law, was amended and passed by the House; then further amended by the Senate. The bill died in a committee of conference last year. SB 214 is also modeled after the Maine law with improvements and compromises. The supporters believe that SB 214 strikes the right balance of protecting the rights of injured parties while encouraging early settlements to reduce administrative costs which ultimately reduces costs overall. The panel system in SB 214 will weed out non-meritorious claims and get meritorious cases resolved as soon as possible. (Frivolous is not the same as non-meritorious.) As many House members know, a five-member OB/GYN group from Rochester left and moved to Kittery, Maine, last December in part because they could no longer afford the high medical liability premiums in our state. The committee heard anecdotal testimony that other OB/GYNs are now limiting their practices to elective surgery and stopping head trauma care altogether in order to be able to afford their liability premiums. New Hampshire needs to do something NOW. If we pass SB 214 without amendment, the liability companies that insure NH health care providers will immediately have 20 years of actuarial data from Maine upon which to base new rating decisions. We can hit the ground running. The proposed amendment to SB 214 is NOT a compromise; it is a totally new "animal." It represents a gamble for NH. Will the new system it creates actually reduce costs associated with medical liability cases? We don't know, although we do think it is more likely to increase costs than to decrease them, and neither will the liability insurance companies. The supporters of SB 214, without amendment, fear that waiting to see if the SB 214 amendment/experiment affects insurance premiums is time we do not have. It is not fair to the citizens of New Hampshire. SB 214 as it came to us from the Senate offers a quicker and less expensive way to resolve medical liability cases. Two reports from Medical Mutual Insurance Company of Maine show that patients with meritorious cases have their claims resolved sooner and they end up with a larger portion of the settlement. Both plaintiffs and defendants maintain their right to go to a jury trial! The amendment offered on SB 214 has a lower standard of proof and any decision made by the panel or the screening judge is not admissible. What is the point then of making any effort to participate in the process? It just sets up additional steps that offer absolutely no benefit to either the plaintiff or the defendant. The minority believes that one of the reasons that NH's current voluntary pre-trial system (RSA 519-A) does not work is because the panel results are inadmissible! The success of the Maine law is that all parties make their best effort at the panel hearing because unanimous panel decisions ARE admissible. (Split decisions are not admissible.) Without maintaining a higher standard of proof and without admissibility of unanimous panel decisions, we may as well walk away and keep the current ineffective NH law on the books. Some of the opposition to SB 214, unamended, is based on supposed constitutional defects. We believe that SB 214 will withstand a constitutional challenge. The Maine Supreme Judicial Court addressed the issue and upheld the Maine system with recommendations to protect against potential jury confusion. Those recommendations were written directly into SB 214. The system in SB 214, unamended, has been proven effective in meeting the goal of reducing upward rate pressure on medical liability insurance rates by reducing costs. It thus bears a fair and substantial relationship to the legislative goal of ensuring access to medical care that is being hurt by spiraling insurance rates. The right to jury trial simply isn't affected - no claimant, meritorious or not, is prevented from taking a case to jury trial, and juries are not prevented from considering any issue. On the contrary, the jury would be carefully instructed that it is at liberty to give whatever consideration it thinks is appropriate to a unanimous panel decision - it is not bound in any way. One member of the minority of the committee disagrees with the rest of the minority and believes the bill should just be killed. Because only one minority report is allowed under the rules, as a courtesy to him, we are including his position in this report for the benefit of the entire House. This one member believes the bill is unconstitutional because it interferes with the right of an injured person to have access to the courts. The member believes that, under the bill, a plaintiff has an extra hoop to jump through before he or she can get to the constitutional arbiter of disputes, the jury. He believes the bill will increase costs to begin a case, and raise the level that a case must be worth before an attorney can afford to take it on. He be-

believes this will hurt the ones who need relief most, the poor who now have unexpected medical bills and no means to pay them. Further, the member believes we have no evidence that there is a problem in New Hampshire with the type of frivolous lawsuits that this panel system would eliminate. He also believes that mediation that is in the amendment is a great idea, but making it mandatory and then requiring the parties to pay for it is unjust. For these reasons one member of the minority believes this bill should be killed. However, the majority of the minority of the Judiciary Committee wants to adopt the type of meaningful reform contained in SB 214, as it came to us from the Senate. We urge the members of the House to vote against adoption of the committee amendment and then vote "ought to pass" on SB 214. New Hampshire must be able to tell the physicians, nurses, hospitals and patients of this state that we stood up for their concerns by supporting and voting for SB 214 without amendment.

Majority Amendment (1656h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Screening Panels for Medical Injury Claims. Amend RSA by inserting after chapter 519-A the following new chapter:

CHAPTER 519-B

SCREENING PANELS FOR MEDICAL INJURY CLAIMS

519-B:1 Findings, Purpose, and Intent.

I. This chapter affirms the intent of the general court to contain the costs of the medical injury reparations system. Claims for medical injury should be resolved as early and inexpensively as possible to contain system costs. Claims that are resolved before court determination cost less to resolve than claims that must be resolved by a court. Meritorious claims should be identified as quickly as possible, as should non-meritorious claims. Defendants should consider paying or compromising meritorious claims and plaintiffs should consider withdrawing or compromising non-meritorious claims, as soon as the merits of the claims are known to the parties. Prescreening of claims is intended to help identify both meritorious and non-meritorious claims without the delay and expense of a court trial.

II. The purposes of pretrial screening panels are:

(a) To identify claims of medical injury which merit compensation and to encourage early resolution of those claims prior to commencement of a lawsuit; and

(b) To identify claims of medical injury and to encourage early withdrawal or dismissal of nonmeritorious claims.

519-B:2 Definitions. In this chapter:

I. "Action for medical injury" means an action for medical injury as defined in RSA 507-E:1, I.

II. "Medical injury" means a medical injury as defined in RSA 507-E:1, III.

III. "Medical care provider" means a medical care provider as defined in RSA 507-E:1, II.

519-B:3 Formation and Procedure.

I. The chief justice of the superior court shall maintain a list of retired judges, persons with judicial experience, and other qualified persons to serve on screening panels under this chapter, from which he or she shall choose a panel chairperson under paragraph II of this section. The chief justice of the superior court shall compile and maintain lists of medical care providers and attorneys with litigation experience to serve on screening panels under this chapter.

II. Screening panel members shall be selected as follows:

(a) Upon the entry of a medical injury case, the clerk of the superior court in which the medical injury case is filed shall notify the chief justice of the superior court.

(b) Within 14 days following the return date, the chief justice shall choose a retired judge, a person with judicial experience, or other qualified person from the list maintained by the chief justice to serve as chairperson of the panel to screen the claim. If at any time a chairperson chosen under this paragraph is unable or unwilling to serve, the chief justice shall appoint a replacement following the procedure in this paragraph for the initial appointment of a chairperson. Persons other than retired judges or those with judicial experience may be appointed as chairperson based on appropriate trial experience. If the chief justice appoints as chairperson a person who is not a retired judge or who does not have judicial experience, each side may make one challenge to the appointment.

(c) The chief justice shall notify the clerk of the name of the person designated to serve as chairperson and shall provide the clerk with the lists of medical care providers and attorneys

maintained under this section. Upon notification of the chief justice's choice of chairperson, the clerk shall notify the chairperson and the parties, and provide them with the lists of medical care providers of health care and attorneys. The chairperson shall choose 2 or 3 additional panel members from the lists as follows:

(1) One attorney.

(2) One medical care provider. If possible, the chairperson shall choose a provider who practices in the same specialty or profession as the person or entity accused of causing a medical injury.

(3) Where the claim involves more than one person accused of causing a medical injury, the chairperson may choose a fourth panel member who is a medical care provider. If possible, the chairperson shall choose a provider in the specialty or profession of a person accused.

(4) When agreed upon by all the parties, the list of available panel members may be enlarged in order to select a panel member who is agreed to by the parties but who is not on the chief justice's list.

III. The superior court may establish a trial date at a structuring conference, or other scheduling conference, and all interim deadlines as it would in any other case.

IV. The chief justice of the superior court may establish the compensation of the panel chairperson. Other panel members shall serve without compensation or payment of expenses.

V. The clerk of the superior court in the county in which a medical injury case is filed shall, with the consent of the chief justice of the superior court, provide clerical and other assistance to the panel chairperson.

VI. (a) Only challenges for cause shall be allowed.

(b) If a panel member other than the chairperson is challenged for cause, the party challenging the member shall notify the panel chairperson. If the panel chairperson finds cause for the challenge, he or she shall replace the panel member within 7 days of the finding.

(c) If the chairperson is challenged for cause, the party challenging the chairperson shall notify the chief justice of the superior court. If the chief justice finds cause for the challenge, he or she shall replace the chairperson within 7 days of the finding.

VII. The panel, through the chairperson, shall have the same subpoena power as exists for a superior court judge. The chairperson shall have sole authority, without requiring the agreement of other panel members, to issue subpoenas.

VIII. The New Hampshire superior court rules shall govern discovery conducted under this chapter. The parties shall attempt in good faith to resolve discovery issues themselves. The chairperson shall rule on disputes regarding discovery. Any person aggrieved by a chairperson's ruling regarding discovery may appeal to the superior court within 7 days of the ruling, which shall defer to the chairperson's factual findings unless they are clearly erroneous.

519-B:4 Panel Procedures.

I. All documents filed with the court in a medical injury action that are part of the screening process are confidential.

II. Within 20 days of the return date, the defendant or defendants shall contact the claimant's counsel and by agreement shall designate a timetable for filing all the relevant medical and provider records necessary to a determination by the panel. If the parties are unable to agree on a timetable within 60 days of the return date, the claimant shall notify the chairperson of the panel. The chairperson shall then establish a timetable for the filing of all relevant records and reasonable discovery, which shall be filed at least 30 days before any hearing date. The hearing shall be no later than 6 months from the return date, except when the time period has been extended by the panel chairperson in accordance with this chapter.

III. The pretrial screening may be bypassed if all parties agree upon a resolution of the claim by trial or settlement.

IV. All parties to a claim may, by written agreement, submit a claim to the binding determination of the panel. All parties may agree to bypass the panel for any reason, or may request that certain preliminary legal affirmative defenses or issues be litigated prior to submission of the case to the panel. The panel shall have no jurisdiction to hear or decide, absent agreement of the parties, dispositive legal affirmative defenses, other than comparative negligence. The panel chairperson may require the parties to litigate, by motion, such dispositive legal affirmative defenses in the superior court prior to submission of the case to the panel. Any such defense, as well as any motion relating to discovery that the panel chairperson has chosen not to rule on, may be presented, by motion, in superior court.

V. Except as otherwise provided in this section, there shall be one combined hearing for all claims under this section arising out of the same set of facts. Where a medical injury case has been filed against more than one person accused of medical injury based on the same facts, the parties may, upon agreement of all parties, require that hearings be separated. The chairperson may, for good cause, order separate hearings.

VI.(a)(1) On failure of the plaintiff to prosecute or to comply with rules or any order of the chairperson, or if the plaintiff fails to attend a properly scheduled hearing, and on motion by the chairperson or any party, after notice to all parties has been given and the party against whom sanctions are proposed has had the opportunity to be heard and show good cause, the chairperson may order appropriate sanctions, which may include dismissal of the case. If any sanctions are imposed, the chairperson shall state the sanctions in writing and include the grounds for the sanctions.

(2) Unless the chairperson or the panel in an order for dismissal specifies otherwise, a dismissal under this subparagraph is with prejudice for purposes of proceedings before the panel. A dismissal with prejudice is the equivalent of a finding for the defendant on all issues before the panel.

(b)(1) On failure of a defendant to comply with the rules or any order of the chairperson, or if a defendant fails to attend a properly scheduled hearing, and on motion by the chairperson or any party, after notice to all parties has been given and the party against whom sanctions are proposed has had the opportunity to be heard and show good cause, the chairperson may order appropriate sanctions, which may include default. If any sanctions are imposed, the chairperson shall state the sanctions in writing and include the grounds for the sanctions.

(2) Unless the chairperson or the panel in its order for default specifies otherwise, a default under this paragraph is the equivalent of a finding against the defendant on all issues before the panel.

(c) Any person aggrieved by a chairperson's ruling regarding sanctions may appeal to the superior court, which shall defer to the chairperson's factual findings unless they are clearly erroneous.

519-B:5 Screening Panel Hearing.

I.(a) Every action at law for medical injury against a medical care provider shall be screened by the panel. The parties shall present offers of proof and the panel shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

(b) After presentation by the parties, the panel may request additional facts, records, or other information from either party to be submitted in writing.

II. The panel shall maintain a record. Except as provided in RSA 519-B:6, the record may not be made public and the hearings may not be public without the consent of all parties.

III. The chairperson of the panel shall attempt to resolve any differences of the parties before proceeding to findings.

519-B:6 Findings by Screening Panel.

I. At the conclusion of the hearing, the panel shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

II. The panel's findings, signed by the panel members, indicating their vote, shall be sent by registered or certified mail to the parties within 7 days of the date of the findings. The findings, records, and exhibits of the screening hearing shall be preserved and forwarded to the mediator. The findings and record of the hearing shall be preserved until 90 days after final judgment or final resolution of the case, after which time they shall be destroyed.

III. Except as provided in this section, all proceedings before the panel, including its final determinations, shall be treated as private and confidential by the panel and the parties to the claim. The findings and other writings of the panel and any evidence and statements made by a party or a party's representative during a panel hearing are not admissible in court and shall not be submitted or used for any purpose in a subsequent trial and shall not be publicly disclosed, except as follows:

(a) Evidence presented to the panel may be used in subsequent proceedings for purposes of impeachment.

(b) The party who presented the evidence may agree to the submission, use, or disclosure of that statement or evidence.

IV. The deliberations and discussion of the panel shall be confidential.

V. The confidentiality provisions of this section shall not apply if the findings were influenced by fraud.

VI. All actions which continue after the decision of the screening panel shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

519-B:7 Screening Judge.

I. Every action for medical injury against a medical care provider in which a screening panel directed to be assembled under RSA 519-B:3 which has not held a hearing within 6 months of the return date shall be screened by a single justice of the superior court.

II. The parties shall present offers of proof and the screening judge shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

519-B:8 Procedure.

I. Each screening hearing pursuant to RSA 519-B:7 shall be heard by a single screening judge within 45 days after the lapse of the 6-month period allowable for a screening panel hearing authorized under RSA 519-B:3.

II. At the screening hearing, admissible evidence shall include, but not be limited to, hospital and medical records, nurses' notes, x-rays, and other records kept in the usual course of the practice of the medical care provider without the necessity for other identification or authentication, statements of fact or opinion on a subject contained in a published treatise, periodical, book, or pamphlet, or statements and reports by experts without the necessity of such experts appearing at the hearing. The screening judge may, upon his or her own decision, summon or subpoena any such records to substantiate or clarify any issue which has been presented. If the screening judge or mediator, in his or her discretion, desires expert medical advice, he or she may secure the assistance of a medical adviser who practices in the same specialty as the person or entity named in the suit.

III. All actions which continue after the decision of the screening judge shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

IV. The findings of the screening judge and all documents submitted during the screening process are admissible in the mediation procedure held pursuant to paragraph III in this section.

V. Findings of the screening judge, and the outcomes of the mediation process under paragraph III shall not be admissible in any subsequent trial, except to the extent agreed on by the parties.

VI. The expenses of the screening hearing and mediation shall be equitably assessed to the parties by the court.

519-B:9 Final Disposition. Upon entry of judgment, settlement, or other final disposition at trial court level, the clerk shall, no later than 15 days after such entry, send a copy of the judgment, settlement, or other final disposition, to the board of medicine. The terms of judgment, settlement, or other final disposition shall not be sealed, pursuant to RSA 507-E:3.

519-B:10 Notification to the Board of Medicine. Whenever the screening judge makes a finding, the clerk of the court shall, no later than 15 days after such finding, send a copy of the complaint and finding to the board of medicine.

519-B:11 Medical Malpractice Panel and Insurance Oversight Committee Established.

I. There is established a committee to study medical malpractice insurance rates in this state and the mandatory panels for medical injury claims process.

II. The committee shall consist of 4 members of the senate appointed by the senate president, and 4 members of the house of representatives, appointed by the speaker of the house of representatives. The house members shall include at least:

(a) One member of the house judiciary committee.

(b) One member of the house health, human services and elderly affairs committee.

(c) One member of the house commerce committee.

III. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

IV. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

V. The committee shall review and analyze information provided by the administrative office of the courts and the insurance department related to medical injury liability claim activity in order to determine the effectiveness of mandatory screening panels for medical injury claims established in this chapter. The committee's review shall include, but not be limited to, whether medical malpractice insurance premiums have been affected and whether there has been any limitation of, or delay in, access to the courts by injured parties and the reasons for such limitations or delays.

VI.(a) The committee shall make an interim report of its findings about medical liability insurance rates and the mandatory panel process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2008.

(b) The committee shall make a final report of its findings about medical liability insurance rates and the mandatory panel process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2010. The report shall include a recommendation to terminate, continue, or amend RSA 519-B.

519-B:12 Reports.

I.(a) The administrative office of the courts shall collect data on medical injury claims and submit a report on the screening panel process to the committee established in RSA 519-B:11 and to the insurance commissioner on or before September 30 of each year.

(b) The report required by this paragraph shall include the number of medical injury cases filed, pending, and resolved; and the number of panel hearings and the number of panel hearing days during the fiscal year ending on the June 30 preceding the report date.

(c) The report required by this paragraph shall also include, for medical injury cases resolved during the fiscal year:

(1) The mean and median lengths of time from initial filing to final resolution.

(2) The number and average settlement amount of cases that were resolved prior to the panel hearing.

(3) The number and average settlement amount of cases that were resolved after a panel hearing but before a trial.

(4) The number and average settlement amount of cases that were resolved by or after a jury verdict.

(d) The report required by this paragraph shall also include, for medical injury cases in which a panel made findings during the fiscal year, the number of cases that fell into each category of possible results of a panel hearing (unanimous for the plaintiff; majority for the plaintiff; unanimous for the defendant; majority for the defendant), the status, and, if applicable, the results of the cases in each category.

(e) To the extent possible, the report required by this paragraph shall include comparative data from the previous 5 years.

II.(a) The insurance commissioner shall report to the committee established in RSA 519B:11 annually, on or before November 1 of each year, on the medical malpractice market and the effects of the panel process established in this chapter. Such reports shall include, but not be limited to, the average rates of medical liability insurance for categories of medical providers and specialties identified by the insurance commissioner, the frequency and severity of medical injury claims, and the time for resolution of medical injury claims from first notice to final resolution.

(b) The insurance commissioner may adopt rules to collect the data from insurers necessary to prepare the report required by this paragraph. To the extent the commissioner collects information from insurers regarding individual claims, loss adjustment and other expenses, reserves, indemnity payments, or other financial information that is not otherwise reported to the commissioner and available to the public, such information shall be treated as examination materials, kept confidential, and not be subject to RSA 91-A.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill:

I. Creates panels for medical injury claims.

II. Establishes a committee to study medical malpractice insurance rates and the effectiveness of the mandatory panel process.

III. Requires certain reports relative to medical malpractice insurance and the mandatory panels. Reps. Hunt, Sheila Francoeur, Harding, Lary, Wendelboe and MacKay spoke against. Reps. Soltani, Lasky, Morrison, Lefebvre, Mooney and Dokmo spoke in favor. Rep. Rowe spoke in favor and yielded to questions. Rep. Cahill moved the previous question. Adopted. Reps. Wendelboe and Mooney requested a roll call; sufficiently seconded. The question being adoption of the majority amendment.

YEAS 135 NAYS 212**YEAS 135
BELKNAP**

Morrison, Gail

CARROLL

McConkey, Mark

CHESHIRE

Butcher, Suzanne
Foote, Sheila
Pratt, John
Sawyer, Sheldon

Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara
Tilton, Anna

Eaton, Daniel
Parkhurst, Henry
Roberts, Kris
Weed, Charles

Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard

Mears, Edgar

GRAFTON

Andersen, Gene
Naro, Debra

Giuda, Robert
Solomon, Peter

Mirski, Paul
Sorg, Gregory

Mulholland, Catherine

HILLSBOROUGH

Allan, Nelson
Bergin, Peter
Cote, David
Crane, Elenore Casey
Drisko, Richard
Golding, William
Hagan, Barbara
Holden, Randolph
Kopka, Angeline
McRae, Karen
Mooney, Maureen
Rochette, Eric
Sullivan, Peter
Wheeler, James

Balboni, Michael
Campbell, David
Cote, Peter
Desmarais, Vivian
Foster, Linda
Goley, Jeffrey
Hall, Betty
Infantine, William
Lasky, Bette
Mead, Robert
Movsesian, Lori
Rowe, Robert
Ulery, Jordan

Baroody, Benjamin
Christiansen, Lars
Coughlin, Pamela
DeVries, Betsi
Gargasz, Carolyn
Gorman, Mary
Harvey, Suzanne
Jean, Claudette
Lefebvre, Roland
Messier, Irene
O'Connell, Timothy
Shaw, Barbara
Vaillancourt, Steve

Bergeron, Jean-Guy
Clemons, Jane
Craig, James
Dokmo, Cynthia
Ginsburg, Ruth
Graham, John
Hinkle, Peyton
Johnson, Paula
Martin, Mary Ellen
Michon, Stephen
Renzullo, Andrew
Shaw, Kimberly
Villeneuve, Maurice

MERRIMACK

Bouchard, Candace
Hamm, Christine
Owen, Derek
Shurtleff, Stephen
Wallner, Mary Jane

Brueggemann, Donald
Hess, David
Potter, Frances
Soltani, Tony
Williams, Robert

DeJoie, John
Kennedy, Richard
Reardon, Tara
Tilton, Joy

Hager, Elizabeth
McMahon, Patricia
Ryan, Jim
Tupper, Frank

ROCKINGHAM

Blanchard, MaryAnn
DiFruscia, Anthony
Morris, Richard
Waterhouse, Kevin

Cady, Harriet
Flockhart, Eileen
Norelli, Terie
Wells, Roger

Cali-Pitts, Jacqueline
Gould, Kenneth
Sanders, Elisabeth
Weyler, Kenneth

Casey, Kimberley
Itse, Daniel
Serlin, Christopher

STRAFFORD

Berube, Roger
Cataldo, Sam
Grassie, Anne
Keans, Sandra
Spang, Judith

Bickford, David
Cilley, Jacalyn
Hilliard, Dana
Rollo, Michael
Taylor, Kathleen

Brown, Jennifer
Domingo, Baldwin
Hofemann, Roland
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Dunlap, Patricia
Johnson, Nancy
Snyder, Clair

SULLIVAN

Cloutier, John

Donovan, Thomas

Franklin, Peter

Phinizy, James

NAYS 212**BELKNAP**

Allen, Janet
Flanders, Donald
Rosen, Ralph
Tobin, William

Boyce, Laurie
Milham, Alida
Russell, David
Veazey, John

Clark, Charles
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Fitzgerald, James
Pilliod, James
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Olimpio, J Lisbeth

Babson, David Jr
Knox, J David
Patten, Betsey

Brown, Carolyn
Martin, James
Stevens, Stanley

Chandler, Gene
Morrow, Harry

CHESHIRE

Allen, Peter
Emerson, Susan

Butynski, William
Hogancamp, Deborah

Chase, William
Hunt, John

Dexter, Judson

COOS

King, Frederick
Remick, William

Lary, Bruce
Richardson, Herbert

Merrick, Scott
Stohl, Eric

Morneau, Renney
Tholl, John Jr

GRAFTON

Alger, John
Bleyler, Ruth
Hammond, Lee
McLeod, Martha
Williams, Burton

Almy, Susan
Cooney, Mary
Harding, A Laurie
Nordgren, Sharon

Barker, Robert
Eaton, Stephanie
Ingbertson, Paul
Sokol, Hilda

Benn, Bernard
Gionet, Edmond
Maybeck, Margie
Ward, John

HILLSBOROUGH

Aboshar, Jeffrey
Beaulieu, Jane
Brundige, Robert
Carlson, Donald
Christensen, D L Chris
Emerton, Larry
Gonzalez, Carlos
Hunter, Bruce
Kurk, Neal
Matarazzo, Anthony Sr
Pepino, Leo
Rosenwald, Cindy
Schulze, Joan
Stepanek, Stephen

Adams, Jarvis IV
Biundo, Michael
Buhlman, David
Carter, Mark
Clark, Mark
Essex, David
Goyette, Peter Jr
Irwin, Anne-Marie
L'Heureux, Robert
Moran, Edward
Pilote, Maurice
Ross, Lawrence
Slocum, Lee
Velez, Hector

Barry, J Gail
Boehm, Ralph
Calawa, Leon Jr
Chabot, Robert
Dyer, Donald
Francoeur, Bea
Hansen, Ryan
Jasper, Shawn
Lawrence, James
O'Brien, William
Price, Pamela
Ryder, Donald
Smith, David
Wheeler, Robert

Batula, Peter
Brassard, Paul
Carew, James
Chase, Claudia
Elliott, Nancy
Gibson, John
Hirschmann, Keith
Kelly, Eugene Jr
Manney, Pamela
Ober, Lynne
Reeves, Sandra
Scanlon, Michael
Souza, Kathleen

MERRIMACK

Anderson, Eric
Danforth, James
French, Barbara

Blanchard, Elizabeth
DeStefano, Stephen
Gile, Mary

Clarke, Claire
Field, William
Kidder, David

Currier, David
Foose, Robert
Langlais, Thomas

Lockwood, Priscilla
Osborne, Jessie
Yeaton, Charles

Mackay, James
Reed, Dennis

Maxfield, Roy
Rush, Deanna

Oliver, James
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Cooney, Richard
Fesh, Bob
Garrity, James
Headd, James
Ingram, Russell
Katsakiores, Phyllis
Mason, April
O'Neil, Michael
Powers, James
Quandt, Matthew
Scamman, Stella
Weare, E Albert
Winchell, George

Allen, Mary
Camm, Kevin
Dodge, Robert
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Introne, Robert
Kobel, Rudolph
McKinney, Betsy
Packard, Sherman
Priestley, Anne
Rausch, James
Splaine, James
Welch, David
Zolla, William

Bettencourt, David
Charron, Gene
Dowd, John
Forsing, Robert
Gillick, Thomas
Hughes, Daniel
Johnson, Robert
Langley, Jane
McMahon, Charles
Palazzo, Frank
Putnam, Ed II
Robertson, Carl
Stiles, Nancy
Weldy, Norman

Bicknell, Elbert
Coburn, James
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Hutchinson, Karen
Katsakiores, George
Major, Norman
Moody, Marcia
Pantelakos, Laura
Quandt, Marshall Lee
Rolston, James
Stone, Joseph
Wilay, Robert

STRAFFORD

Brown, Julie
Easson, Timothy
Newton, Clifford

Campbell, W Packy
Hollinger, Jeffrey
Rous, Emma

Chaplin, Duncan
Knowles, William
Twombly, James

Creteau, Irene
Miller, Joseph

SULLIVAN

Converse, Larry
Jillette, Arthur Jr

Ferland, Brenda
Osgood, Philip Sr

Gale, Harry
Prichard, Stephen

Houde-Quimby, Charlotte
Rodeschin, Beverly

and the majority amendment failed.

Reps. Greco and Marple declared conflicts of interest and did not participate.

Rep. Joy Tilton voted Yea and intended to vote Nay.

Rep. Rowe offered floor amendment (1808h).

Floor Amendment (1808h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to pretrial screening of medical injury claims.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Pretrial Screening of Medical Injury Claims. Amend RSA by inserting after chapter 519-A the following new chapter:

CHAPTER 519-B

PRETRIAL SCREENING OF MEDICAL INJURY CLAIMS

519-B:1 Findings, Purpose, and Intent.

I. This chapter affirms the intent of the general court to contain the costs of the medical injury reparations system. Claims for medical injury should be resolved as early and inexpensively as possible to contain system costs. Claims that are resolved before court determination cost less to resolve than claims that must be resolved by a court. Meritorious claims should be identified as quickly as possible, as should non-meritorious claims. Defendants should consider paying or compromising meritorious claims and plaintiffs should consider withdrawing or compromising non-meritorious claims, as soon as the merits of the claims are known to the parties. Prescreening of claims is intended to help identify both meritorious and non-meritorious claims without the delay and expense of a court trial.

II. The purposes of pretrial screening are:

(a) To identify claims of medical injury which merit compensation and to encourage early resolution of those claims prior to commencement of a lawsuit; and

(b) To identify claims of medical injury and to encourage early withdrawal or dismissal of non-meritorious claims.

519-B:2 Definitions. In this chapter:

- I. "Action for medical injury" means an action for medical injury as defined in RSA 507-E:1, I.
- II. "Medical injury" means a medical injury as defined in RSA 507-E:1, III.
- III. "Medical care provider" means a medical care provider as defined in RSA 507-E:1, II.

519-B:3 Formation.

I. Every action at law for medical injury against a provider of health care shall be screened by a single justice, sitting or retired, of the superior court. The plaintiff shall present an offer of proof and the screening judge shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry or whether the plaintiff's case is an unfortunate medical result.

II. All actions which continue after the decision of the screening judge under paragraph I shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

III. The screening process is not intended to delay or postpone the trial of a medical injury case. The superior court may establish a trial date at a structuring conference, or other scheduling conference, and all interim deadlines as it would in any other case.

IV. The chief justice of the superior court shall establish the compensation of the medical adviser if he or she is not otherwise compensated by the state of New Hampshire.

V. The clerk of the superior court in the county in which a medical injury case is filed shall, with the consent of the chief justice of the superior court, provide clerical and other assistance to the screening judge and to the mediation judge.

VI.(a) Only challenges for cause shall be allowed.

(b) If the screening judge or medical adviser is challenged for cause, the party challenging the member shall notify the chief justice of the superior court. If the chief justice finds cause for the challenge, he or she shall replace the screening judge or the adviser.

VII. The New Hampshire superior court rules shall govern discovery conducted under this chapter. The parties shall attempt in good faith to resolve discovery issues themselves. The judge shall rule on disputes regarding discovery. Any person aggrieved by a judge's ruling regarding discovery may appeal to the superior court, which shall defer to the judge's factual findings unless they are clearly erroneous.

519-B:4 Procedures.

I. All documents filed with the court in a medical injury action that are part of the screening process are confidential.

II. Within 20 days of the return date, the defendant or defendants shall contact the claimant's counsel and by agreement shall designate a timetable for filing all the relevant medical and provider records necessary to a determination by the panel. If the parties are unable to agree on a timetable within 60 days of the return date, the claimant shall notify the screening judge. The screening judge shall then establish a timetable for the filing of all relevant records and reasonable discovery, which shall be filed at least 30 days before any hearing date. The hearing shall be no later than 6 months from the return date, except when the time period has been extended by the screening judge in accordance with this chapter.

III. The pretrial screening may be bypassed if all parties agree upon a resolution of the claim by trial or settlement.

IV. All parties to a claim may, by written agreement, submit a claim to the binding determination of the screening judge. All parties may agree to bypass the screening process for any reason, or may request that certain preliminary legal affirmative defenses or issues be litigated prior to submission of the case to the screening judge. The judge shall have no jurisdiction to hear or decide, absent agreement of the parties, dispositive legal affirmative defenses, other than comparative negligence. The screening judge may require the parties to litigate, by motion, such dispositive legal affirmative defenses in the superior court prior to submission of the case to the screening hearing. Any such defense, as well as any motion relating to discovery that the screening judge has chosen not to rule on, may be presented, by motion, in superior court.

V. Except as otherwise provided in this section, there shall be one combined hearing for all claims under this section arising out of the same set of facts. Where a medical injury case has been filed against more than one person accused of medical injury based on the same facts, the parties may, upon agreement of all parties, require that hearings be separated. The screening judge may, for good cause, order separate hearings.

VI.(a)(1) On failure of the plaintiff to prosecute or to comply with rules or any order of the screening judge, or if the plaintiff fails to attend a properly scheduled hearing, and on motion by any party, after notice to all parties has been given and the party against whom sanctions are proposed has had the opportunity to be heard and show good cause, the screening judge may order appropriate sanctions, which may include dismissal of the case. If any sanctions are imposed, the screening judge shall state the sanctions in writing and include the grounds for the sanctions.

(2) Unless the screening judge in an order for dismissal specifies otherwise, a dismissal under this subparagraph is with prejudice for purposes of proceedings before the screening judge. A dismissal with prejudice is the equivalent of a finding for the defendant on all issues before the panel.

(b)(1) On failure of a defendant to comply with the rules or any order of the screening judge, or if a defendant fails to attend a properly scheduled hearing, and on motion by any party, after notice to all parties has been given and the party against whom sanctions are proposed has had the opportunity to be heard and show good cause, the screening judge may order appropriate sanctions, which may include default. If any sanctions are imposed, the screening judge shall state the sanctions in writing and include the grounds for the sanctions.

(2) Unless the screening judge in his or her order for default specifies otherwise, a default under this paragraph is the equivalent of a finding against the defendant on all issues before the screening judge.

(c) Any person aggrieved by a screening judge's ruling regarding sanctions may appeal to the superior court, which shall defer to the screening judge's factual findings unless they are clearly erroneous.

VII. All requests for extensions of time under this section shall be made to the screening judge. The judge may extend any time period for good cause, except that the judge may not extend any time period that would result in the screening hearing being held more than 11 months following the return date unless good cause is shown.

519-B:5 Screening Panel Hearing.

I. The screening judge shall maintain a record. Except as provided in RSA 519-B:6, the record may not be made public and the hearings may not be public without the consent of all parties.

II. At the screening hearing, admissible evidence shall include, but not be limited to, hospital and medical records, nurses' notes, x-rays, and other records kept in the usual course of the practice of the medical care provider without the necessity for other identification or authentication, statements of fact or opinion on a subject contained in a published treatise, periodical, book, or pamphlet, or statements and reports by experts without the necessity of such experts appearing at the hearing. The screening judge may, upon his or her own decision, summon or subpoena any such records to substantiate or clarify any issue which has been presented. If the screening judge or mediator, in his or her discretion, desires expert medical advice, he or she may secure the assistance of a medical adviser who practices in the same specialty as the person or entity named in the suit.

III. The screening judge shall attempt to resolve any differences of the parties before proceeding to findings.

IV. The findings of the screening judge and all documents submitted during the screening process are admissible in the mediation procedure held pursuant to RSA 519-B:6, V.

V. The outcomes of the mediation process under paragraph III shall not be admissible in any subsequent trial, except to the extent agreed on by the parties.

VI. The expenses of the screening hearing and mediation shall be equitably assessed to the parties by the court.

519-B:6 Findings by Screening Judge.

I. At the conclusion of the hearing, the screening judge shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

II. The screening judge's findings shall be sent by registered or certified mail to the parties within 7 days of the date of the findings. The findings, records, and exhibits of the screening hearing shall be preserved and forwarded to the mediator. The findings and record of the hearing shall be preserved until 90 days after final judgment or final resolution of the case, after which time they shall be destroyed.

III. Except as provided in this section, all proceedings before the screening judge, including the final determinations, shall be treated as private and confidential by the screening judge and the parties to the claim. The findings and other writings of the screening judge and any evidence

and statements made by a party or a party's representative during a screening judge hearing are not admissible in court and shall not be submitted or used for any purpose in a subsequent trial and shall not be publicly disclosed, except as follows:

(a) Evidence presented to the screening judge may be used in subsequent proceedings for purposes of impeachment.

(b) The party who presented the evidence may agree to the submission, use, or disclosure of that statement or evidence.

IV. The confidentiality provisions of this section shall not apply if the findings were influenced by fraud.

V. All actions which continue after the decision of the screening judge shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

519-B:7 Final Disposition. Upon entry of judgment, settlement, or other final disposition at trial court level, the clerk shall, no later than 15 days after such entry, send a copy of the judgment, settlement, or other final disposition, to the board of medicine. The terms of judgment, settlement, or other final disposition shall not be sealed, pursuant to RSA 507-E:3.

519-B:8 Notification to the Board of Medicine. Whenever the screening judge makes a finding, the clerk of the court shall, no later than 15 days after such finding, send a copy of the complaint and finding to the board of medicine.

519-B:9 Medical Malpractice Panel and Insurance Oversight Committee Established.

I. There is established a committee to study medical malpractice insurance rates in this state and the screening process for medical injury claims process.

II. The committee shall consist of 4 members of the senate appointed by the senate president, and 4 members of the house of representatives, appointed by the speaker of the house of representatives. The house members shall include at least:

(a) One member of the house judiciary committee.

(b) One member of the house health, human services and elderly affairs committee.

(c) One member of the house commerce committee.

III. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

IV. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

V. The committee shall review and analyze information provided by the administrative office of the courts and the insurance department related to medical injury liability claim activity in order to determine the effectiveness of the screening process for medical injury claims established in this chapter. The committee's review shall include, but not be limited to, whether medical malpractice insurance premiums have been affected and whether there has been any limitation of, or delay in, access to the courts by injured parties and the reasons for such limitations or delays.

VI.(a) The committee shall make an interim report of its findings about medical liability insurance rates and the screening process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2008.

(b) The committee shall make a final report of its findings about medical liability insurance rates and the screening process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2010. The report shall include a recommendation to terminate, continue, or amend RSA 519-B.

519-B:10 Reports.

I.(a) The administrative office of the courts shall collect data on medical injury claims and submit a report on the screening panel process to the committee established in RSA 519-B:11 and to the insurance commissioner on or before September 30 of each year.

(b) The report required by this paragraph shall include the number of medical injury cases filed, pending, and resolved; and the number of screening hearings and the number of screening hearing days during the fiscal year ending on the June 30 preceding the report date.

(c) The report required by this paragraph shall also include, for medical injury cases resolved during the fiscal year:

(1) The mean and median lengths of time from initial filing to final resolution.

(2) The number and average settlement amount of cases that were resolved prior to the screening hearing.

(3) The number and average settlement amount of cases that were resolved after a screening hearing but before a trial.

(4) The number and average settlement amount of cases that were resolved by or after a jury verdict.

(d) The report required by this paragraph shall also include, for medical injury cases in which a screening judge made findings during the fiscal year, the number of cases that fell into each category of possible results of a screening hearing (for the plaintiff or for the defendant), the status, and, if applicable, the results of the cases in each category.

(e) To the extent possible, the report required by this paragraph shall include comparative data from the previous 5 years.

II.(a) The insurance commissioner shall report to the committee established in RSA 519B:9 annually, on or before November 1 of each year, on the medical malpractice market and the effects of the screening process established in this chapter. Such reports shall include, but not be limited to, the average rates of medical liability insurance for categories of medical providers and specialties identified by the insurance commissioner, the frequency and severity of medical injury claims, and the time for resolution of medical injury claims from first notice to final resolution.

(b) The insurance commissioner may adopt rules to collect the data from insurers necessary to prepare the report required by this paragraph. To the extent the commissioner collects information from insurers regarding individual claims, loss adjustment and other expenses, reserves, indemnity payments, or other financial information that is not otherwise reported to the commissioner and available to the public, such information shall be treated as examination materials, kept confidential, and not be subject to RSA 91-A.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill:

I. Creates a screening process before a judge for medical injury claims.

II. Establishes a committee to study medical malpractice insurance rates and the effectiveness of the screening process.

III. Requires certain reports relative to medical malpractice insurance and the screening process.

Rep. Rowe spoke in favor.

Rep. Hunt spoke against.

Floor amendment (1808h) failed.

MOTION TO LAY ON THE TABLE

Rep. Buhlman moved that **SB 214**, relative to screening panels for medical injury claims, be laid on the table and requested a roll call; sufficiently seconded.

YEAS 94 NAYS 243

YEAS 94 BELKNAP

Boyce, Laurie

Morrison, Gail

CARROLL

None

CHESHIRE

Butcher, Suzanne

Butynski, William

Dunn, J Timothy

Eaton, Daniel

Espiefs, Peter

Mitchell, Bonnie

Parkhurst, Henry

Pratt, John

Robertson, Timothy

Tilton, Anna

Weed, Charles

COOS

Buzzell, Bernard

GRAFTON

Giuda, Robert
Sorg, Gregory

Ingbretson, Paul

Mirski, Paul

Mulholland, Catherine

HILLSBOROUGH

Baroody, Benjamin
Christiansen, Lars
Craig, James
Ginsburg, Ruth
Hinkle, Peyton
Kopka, Angeline
Mead, Robert
Renzullo, Andrew
Ulery, Jordan

Bergeron, Jean-Guy
Clemmons, Jane
Desmarais, Vivian
Goley, Jeffrey
Holden, Randolph
Lasky, Bette
Messier, Irene
Rochette, Eric
Vaillancourt, Steve

Buhlman, David
Cote, David
Foster, Linda
Gorman, Mary
Jean, Claudette
Martin, Mary Ellen
Mooney, Maureen
Rowe, Robert
Villeneuve, Maurice

Campbell, David
Cote, Peter
Gibson, John
Hall, Betty
Johnson, Paula
McRae, Karen
Movsesian, Lori
Sullivan, Peter
Wheeler, James

MERRIMACK

Bouchard, Candace
Kennedy, Richard
Soltani, Tony
Whiting, Herbert

Brueggemann, Donald
Potter, Frances
Tilton, Joy
Williams, Robert

DeJoie, John
Ryan, Jim
Tupper, Frank

DeStefano, Stephen
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Itse, Daniel
Serlin, Christopher

Blanchard, MaryAnn
Morris, Richard
Wells, Roger

Cady, Harriet
Norelli, Terie

DiFruscia, Anthony
Sanders, Elisabeth

STRAFFORD

Brown, Lawrence
Hilliard, Dana
Newton, Clifford

Cataldo, Sam
Hofemann, Roland
Rollo, Michael

Chaplin, Duncan
Johnson, Nancy
Schmidt, Peter

Cilley, Jacalyn
Keans, Sandra
Taylor, Kathleen

SULLIVAN

Cloutier, John

Franklin, Peter

Phinizy, James

NAYS 243**BELKNAP**

Allen, Janet
Millham, Alida
Russell, David
Veazey, John

Clark, Charles
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Fitzgerald, James
Pilliod, James
Tilton, Franklin
Whalley, Michael

Flanders, Donald
Rosen, Ralph
Tobin, William

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Olimpio, J Lisbeth

Babson, David Jr
Knox, J David
Patten, Betsey

Brown, Carolyn
Martin, James
Stevens, Stanley

Chandler, Gene
Morrow, Harry

CHESHIRE

Allen, Peter
Foote, Sheila
Roberts, Kris

Chase, William
Hogancamp, Deborah
Sawyer, Sheldon

Dexter, Judson
Hunt, John

Emerson, Susan
Richardson, Barbara

COOS

King, Frederick
Remick, William

Lary, Bruce
Richardson, Herbert

Merrick, Scott
Stohl, Eric

Morneau, Renney
Tholl, John Jr

GRAFTON

Alger, John
Benn, Bernard
Gionet, Edmond
McLeod, Martha
Solomon, Peter

Almy, Susan
Bleyler, Ruth
Hammond, Lee
Naro, Debra
Ward, John

Andersen, Gene
Cooney, Mary
Harding, A Laurie
Nordgren, Sharon
Williams, Burton

Barker, Robert
Eaton, Stephanie
Maybeck, Margie
Sokol, Hilda

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Barry, J Gail	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Calawa, Leon Jr	Carew, James	Carlson, Donald	Carter, Mark
Chabot, Robert	Chase, Claudia	Christensen, D L Chris	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Essex, David	Francoeur, Bea	Gargas, Carolyn	Golding, William
Gonzalez, Carlos	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Harvey, Suzanne	Hirschmann, Keith	Infantine, William
Irwin, Anne-Marie	Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lefebvre, Roland	Manney, Pamela	Matarazzo, Anthony Sr
Moran, Edward	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pilote, Maurice	Price, Pamela	Reeves, Sandra	Rosenwald, Cindy
Ryder, Donald	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Slocum, Lee	Smith, David	Souza, Kathleen	Stepanek, Stephen
Velez, Hector	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Clarke, Claire	Currier, David
Danforth, James	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Reardon, Tara	Reed, Dennis	Rush, Deanna
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Bettencourt, David	Bicknell, Elbert	Buxton, Donald
Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	Dodge, Robert	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Moody, Marcia	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Pantelakos, Laura	Powers, James
Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Rolston, James	Scamman, Stella
Splaine, James	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

STRAFFORD

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Campbell, W Packy	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Easson, Timothy	Grassie, Anne	Hollinger, Jeffrey	Knowles, William
Miller, Joseph	Rous, Emma	Snyder, Clair	Spang, Judith
Twombly, James	Wall, Janet		

SULLIVAN

Converse, Larry	Donovan, Thomas	Ferland, Brenda	Gale, Harry
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Prichard, Stephen

and the motion to lay SB 214 on the table failed.

Reps. Greco and Marple declared conflicts of interest and did not participate.

Rep. Ulery offered floor amendment (1821h).

Floor Amendment (1821h)

Amend RSA 519-B:1, I as inserted by section 1 of the bill by replacing it with the following:

I. Availability and affordability of insurance against liability for medical injury is essential for the protection of patients as well as assuring availability of and access to essential medical and hospital care. This chapter affirms the intent of the general court to contain the costs of the medical injury reparations system and to promote availability and affordability of insurance against liability for medical injury. Claims for medical injury should be resolved as early and inexpensively as possible to contain system costs. Claims that are resolved before court determination cost less to resolve than claims that must be resolved by a court. Meritorious claims should be identified as quickly as possible, as should non-meritorious claims. Defendants should consider paying or compromising meritorious claims and plaintiffs should consider withdrawing or compromising non-meritorious claims, as soon as the merits of the claims are known to the parties. Presentation of claims to a medical review panel is intended to help identify both meritorious and non-meritorious claims without the delay and expense of a court trial. It is essential to the effectiveness of the panel process that panel proceedings be confidential. It is equally essential to the effectiveness of the panel process that a panel's findings be presented to the jury in any matter that is not resolved prior to trial. Claims before the panel that suggest the possibility of criminal activity must be presented to the insurance commissioner and the attorney general for investigation. The panel process will encourage the prompt resolution of claims, because both sides will be given an objective view of the merits. If the panel finds that a claim has merit, the defendant will be more likely to pay the claim or negotiate a compromise that is favorable to the claimant. If the panel finds that the claim lacks merit, the claimant is more likely to withdraw the claim or accept a nominal settlement. The panel's screening should be completed within 180 days after the panel receives it, or the case should be dismissed.

Amend RSA 519-B:4, VII(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Any person aggrieved by a chairperson's ruling regarding sanctions may appeal to the superior court.

Amend RSA 519-B:6, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Whether the acts or omissions complained of constitute a deviation from a quantitative, published, or procedural standard of care by the medical care provider charged with that care;

Amend RSA 519-B:6, II as inserted by section 1 of the bill by replacing it with the following:

II. The plaintiff shall prove negligence and proximate causation by a preponderance of the evidence.

Amend RSA 519-B:8, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The findings and other writings of the panel and any evidence and statements made by a party or a party's representative during a panel hearing are not admissible in court and shall not be submitted or used for any purpose in a subsequent trial and shall not be publicly disclosed, except that any testimony or writings made under oath may be used in subsequent proceedings for purposes of impeachment.

Amend RSA 519-B:10 as inserted by section 1 of the bill by replacing it with the following:

519-B:10 Effect of Panel Findings. Unanimous findings entered by the panel under RSA 519B:6, I shall be implemented as follows.

I. If findings are in the plaintiff's favor, the defendant shall promptly enter into negotiations to pay the claim or admit liability. If liability is admitted, the claim may be submitted to the panel, upon agreement of the parties, for determination of damages. If the claim goes to a trial, the findings of the panel are admissible as provided in RSA 519-B:8, I(b). Failure to enter into good faith negotiations shall result in an award of treble damages to the plaintiff if he or she prevails in a trial. The increase in the damages award shall not be subject to a contingency fee agreement between plaintiff and counsel.

II. If the findings are unanimous in the defendant's favor, the plaintiff shall release the claim or claims based on the findings, without payment, or be subject to the admissibility of those findings under RSA 519-B:8, I(c).

Amend RSA 519-B:12, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) The administrative office of the courts shall collect data on medical injury claims and submit a report on the screening panel process to the committee established in RSA 519-B:11 and to the insurance commissioner on or before September 30 of each year. The report shall be a public record.

Amend RSA 512-B:12, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) The insurance commissioner shall report to the committee established in RSA 519B:11 annually, on or before November 1 of each year, on the medical malpractice market and the effects of the panel process established in this chapter. Such reports shall include, but not be limited to, the average rates of medical liability insurance for categories of medical providers and specialties identified by the insurance commissioner, the frequency and severity of medical injury claims, and the time for resolution of medical injury claims from first notice to final resolution. Such report shall consider all insurance premium increases in New Hampshire and be based on New Hampshire experience, not the companies' total loss pictures. This report shall be a public record.

Rep. Ulery spoke in favor.

Rep. Sheila Francoeur spoke against.

Floor amendment (1821h) failed.

Rep. Phinzy offered floor amendment (1760h).

Floor Amendment (1760h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to screening panels for medical injury claims and to medical malpractice insurance rates.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 to read as 3:

2 New Paragraph; Rate Filings; Temporary Freeze on Medical Malpractice Insurance Rates.

Amend RSA 412:16 by inserting after paragraph XIII the following new paragraph:

XIV. Notwithstanding any other provision of law, the rates for medical malpractice liability insurance shall remain at the levels for the year 2005 until the speaker of the house of representatives, the senate president, and the governor receive the final report of the committee to study medical malpractice insurance rates in this state and the mandatory panels for medical injury claims process established under RSA 519-B:11.

AMENDED ANALYSIS

This bill:

I. Creates panels for medical injury claims.

II. Establishes a committee to study medical malpractice insurance rates and the effectiveness of the mandatory panel process.

III. Requires certain reports relative to medical malpractice insurance and the mandatory panels.

IV. Freezes medical malpractice insurance rates until the medical malpractice panel and insurance oversight committee makes its report.

Rep. Phinzy spoke to the amendment and then withdrew it.

The question now being adoption of the motion of Ought to Pass.

Reps. James Wheeler and Espieles spoke against.

Rep. Hunt spoke in favor.

Rep. Sheila Francoeur requested a roll call; sufficiently seconded.

The question being adoption of Ought to Pass.

YEAS 218 NAYS 115

YEAS 218

BELKNAP

Allen, Janet
Nedeau, Stephen
Tilton, Franklin
Whalley, Michael

Clark, Charles
Pilliod, James
Tobin, William

Fitzgerald, James
Rosen, Ralph
Veazey, John

Millham, Alida
Russell, David
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Olimpio, J Lisbeth

Babson, David Jr
Knox, J David
Patten, Betsey

Brown, Carolyn
Martin, James
Stevens, Stanley

Chandler, Gene
Morrow, Harry

CHESHIRE

Allen, Peter
Hogancamp, Deborah

Chase, William
Hunt, John

Dexter, Judson
Sawyer, Sheldon

Emerson, Susan

COOS

King, Frederick
Moreau, Renney
Tholl, John Jr

Lary, Bruce
Remick, William

Mears, Edgar
Richardson, Herbert

Merrick, Scott
Stohl, Eric

GRAFTON

Alger, John
Cooney, Mary
Harding, A Laurie
Nordgren, Sharon
Williams, Burton

Almy, Susan
Eaton, Stephanie
Maybeck, Margie
Sokol, Hilda

Benn, Bernard
Gionet, Edmond
McLeod, Martha
Solomon, Peter

Bleyler, Ruth
Hammond, Lee
Naro, Debra
Ward, John

HILLSBOROUGH

Aboshar, Jeffrey
Beaulieu, Jane
Brundige, Robert
Chabot, Robert
DeVries, Betsi
Elliott, Nancy
Francoeur, Bea
Graham, John
Infantine, William
Lawrence, James
Moran, Edward
Pilotte, Maurice
Ross, Lawrence
Shaw, Barbara
Stepanek, Stephen

Adams, Jarvis IV
Biundo, Michael
Carew, James
Chase, Claudia
Dokmo, Cynthia
Emerton, Larry
Gargas, Carolyn
Hansen, Ryan
Irwin, Anne-Marie
Lefebvre, Roland
O'Brien, William
Price, Pamela
Ryder, Donald
Slocum, Lee
Velez, Hector

Barry, J Gail
Boehm, Ralph
Carlson, Donald
Christensen, D L Chris
Drisko, Richard
Essex, David
Gonzalez, Carlos
Hinkle, Peyton
Kurk, Neal
Manney, Pamela
O'Connell, Timothy
Reeves, Sandra
Scanlon, Michael
Smith, David
Wheeler, Robert

Batula, Peter
Brassard, Paul
Carter, Mark
Clark, Mark
Dyer, Donald
Foster, Linda
Goyette, Peter Jr
Hirschmann, Keith
L'Heureux, Robert
Matarazzo, Anthony Sr
Ober, Lynne
Rosenwald, Cindy
Schulze, Joan
Souza, Kathleen

MERRIMACK

Anderson, Eric
Field, William
Hager, Elizabeth
Langlais, Thomas
Osborne, Jessie
Tupper, Frank

Blanchard, Elizabeth
Foose, Robert
Hamm, Christine
Lockwood, Priscilla
Owen, Derek
Whiting, Herbert

Currier, David
French, Barbara
Kennedy, Richard
MacKay, James
Reed, Dennis
Williams, Robert

Danforth, James
Gile, Mary
Kidder, David
Oliver, James
Rush, Deanna
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Charron, Gene
Dowd, John
Forsing, Robert
Gillick, Thomas
Hughes, Daniel
Johnson, Robert
Langley, Jane
Moody, Marcia
Palazzo, Frank
Putnam, Ed II
Robertson, Carl
Splaine, James
Weare, E Albert
Winchell, George

Bettencourt, David
Coburn, James
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Hutchinson, Karen
Katsakiores, George
Major, Norman
Morris, Richard
Pantelakos, Laura
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Welch, David
Zolla, William

Buxton, Donald
Cooney, Richard
Fesh, Bob
Garritty, James
Headd, James
Ingram, Russell
Katsakiores, Phyllis
Mason, April
O'Neil, Michael
Powers, James
Quandt, Matthew
Sanders, Elisabeth
Stone, Joseph
Weyler, Kenneth

Casey, Kimberley
Dodge, Robert
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Introne, Robert
Kobel, Rudolph
McKinney, Betsy
Packard, Sherman
Priestley, Anne
Rausch, James
Scamman, Stella
Waterhouse, Kevin
Wiley, Robert

STRAFFORD

Brown, Julie
Dunlap, Patricia
Miller, Joseph
Twombly, James

Campbell, W Packy
Easson, Timothy
Newton, Clifford

Chaplin, Duncan
Hollinger, Jeffrey
Rous, Emma

Domingo, Baldwin
Knowles, William
Snyder, Clair

SULLIVAN

Converse, Larry
Jillette, Arthur Jr

Ferland, Brenda
Osgood, Philip Sr

Gale, Harry
Rodeschin, Beverly

Houde-Quimby, Charlotte

NAYS 115**BELKNAP**

Boyce, Laurie

Morrison, Gail

CARROLL

None

CHESHIRE

Butcher, Suzanne
Espiefs, Peter
Pratt, John
Tilton, Anna

Butynski, William
Foote, Sheila
Richardson, Barbara
Weed, Charles

Dunn, J Timothy
Mitchell, Bonnie
Roberts, Kris

Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

COOS

Buzzell, Bernard

GRAFTON

Andersen, Gene
Mulholland, Catherine

Giuda, Robert
Sorg, Gregory

Ingbretson, Paul

Mirski, Paul

HILLSBOROUGH

Allan, Nelson
Bergin, Peter
Christiansen, Lars
Coughlin, Pamela
Gibson, John
Hagan, Barbara
Jean, Claudette
Lasky, Bette
Messier, Irene
Rochette, Eric
Vaillancourt, Steve

Balboni, Michael
Buhlman, David
Clemons, Jane
Craig, James
Ginsburg, Ruth
Hall, Betty
Johnson, Paula
Martin, Mary Ellen
Mooney, Maureen
Rowe, Robert
Villeneuve, Maurice

Baroody, Benjamin
Calawa, Leon Jr
Cote, David
Crane, Elenore Casey
Golding, William
Harvey, Suzanne
Kelly, Eugene Jr
McRae, Karen
Movsesian, Lori
Sullivan, Peter
Wheeler, James

Bergeron, Jean-Guy
Campbell, David
Cote, Peter
Desmarais, Vivian
Gorman, Mary
Holden, Randolph
Kopka, Angeline
Mead, Robert
Renzullo, Andrew
Ulery, Jordan

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Reardon, Tara
Tilton, Joy

Bueggemann, Donald
Hess, David
Ryan, Jim
Wallner, Mary Jane

Clarke, Claire
McMahon, Patricia
Shurtleff, Stephen
Walz, Mary Beth

DeJoie, John
Potter, Frances
Soltani, Tony

ROCKINGHAM

Allen, Mary
Camm, Kevin
Itse, Daniel
Wells, Roger

Bicknell, Elbert
DiFruscia, Anthony
McMahon, Charles

Blanchard, MaryAnn
Flockhart, Eileen
Norelli, Terie

Cady, Harriet
Gould, Kenneth
Serlin, Christopher

STRAFFORD

Berube, Roger
Cataldo, Sam
Hilliard, Dana
Rollo, Michael
Wall, Janet

Bickford, David
Cilley, Jacalyn
Hofemann, Roland
Schmidt, Peter

Brown, Jennifer
Creteau, Irene
Johnson, Nancy
Spang, Judith

Brown, Lawrence
Grassie, Anne
Keans, Sandra
Taylor, Kathleen

SULLIVAN

Cloutier, John

Donovan, Thomas

Franklin, Peter

Phinizy, James

and the motion of Ought to Pass was adopted.

Ordered to third reading.

Reps. Greco and Marple declared conflicts of interest and did not participate.

SPECIAL ORDER**SB 121**, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision. **OUGHT TO PASS WITH AMENDMENT**

Rep. David H. Russell for Resources, Recreation and Development: This bill provides that a proposed ATV or trail bike trail shall not pass within 400' of a water well supplying a public water system. The bill also establishes a procedure for a proposed trail that will pass through a wellhead protection area. It addresses concerns with MTBE from trails near wells, and opens the 4000' limit to be the wellhead protective area without a specific limit. It also requires the Department of Environmental Services (DES) to show any impact the trail may have as well as the process for the community to appeal to the water council per RSA 21-07 IV. Vote 11-0.

Amendment (1547h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to all terrain vehicle trails.

Amend the bill by replacing all after the enacting clause with the following:

1 ATV and Trail Bike Operation on State Lands; Evaluation Process. Amend RSA 215-A:43, II(1) is repealed and reenacted to read as follows:

(1) The proposed trail does not pass within 400 feet of a water supply well for a community water system subject to RSA 485. If the proposed trail is to pass through a wellhead protection area as determined under RSA 485:48, II, the bureau shall explain in writing why no alternative locations on the state-owned property outside of the wellhead protection area are suitable for the placement of ATV or trail bike trails. The bureau shall, at least 45 days before the public meeting required by RSA 215-A:43, III is conducted, forward its written explanation, engineering design plans and associated facilities including parking areas and other trail network support features, to the governing body of a municipality serviced by the well. Such governing body may, within 30 days of receipt of the explanation, request a determination from the department of environmental services of the potential effect of the proposed trail on the quality of water derived from the community water supply well. The department of environmental services shall respond no later than 30 days after the public meeting under RSA 215-A:43, III. The proposed trail may only be constructed in a wellhead protection area on state-owned land if the department of environmental services determines that it is unlikely that the trail and associated facilities including parking areas and other trail network support features will affect the ability of the well to consistently produce drinking water which meets the standards set forth in RSA 485. The determination made by the department of environmental services may be appealed pursuant to RSA 21-O:7, IV within 30 days of issuance.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that a proposed ATV or trail bike trail shall not pass within 400 feet of a water well supplying a public water system. The bill also establishes a procedure for a proposed trail that will pass through a wellhead protection area.

Reps. Rush and DiFruscia spoke against.

Reps. Currier and Spang spoke in favor and yielded to questions.

Rep. Rush requested a roll call; sufficiently seconded.

The question being adoption of the committee amendment.

YEAS 162 NAYS 135**YEAS 162****BELKNAP**

Allen, Janet

Millham, Alida

Russell, David

Boyce, Laurie

Nedeau, Stephen

Tilton, Franklin

Clark, Charles

Pilliod, James

Wendelboe, Fran

Fitzgerald, James

Rosen, Ralph

Whalley, Michael

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Stevens, Stanley

Babson, David Jr
Knox, J David

Brown, Carolyn
Morrow, Harry

Chandler, Gene
Patten, Betsey

CHESHIRE

Dexter, Judson

Hunt, John

Sawyer, Sheldon

COOS

King, Frederick

Richardson, Herbert

Stohl, Eric

Tholl, John Jr

GRAFTON

Gionet, Edmond
McLeod, Martha
Solomon, Peter

Giuda, Robert
Mirski, Paul
Ward, John

Ingbretson, Paul
Mulholland, Catherine
Williams, Burton

Maybeck, Margie
Naro, Debra

HILLSBOROUGH

Aboshar, Jeffrey
Bergin, Peter
Carter, Mark
Coughlin, Pamela
Elliott, Nancy
Gibson, John
Holden, Randolph
Lawrence, James
McRae, Karen
Price, Pamela
Shaw, Barbara
Vaillancourt, Steve
Wheeler, Robert

Adams, Jarvis IV
Boehm, Ralph
Chabot, Robert
Desmarais, Vivian
Emerton, Larry
Golding, William
Infantine, William
Manney, Pamela
Mooney, Maureen
Reeves, Sandra
Slocum, Lee
Velez, Hector

Batula, Peter
Brassard, Paul
Christensen, D L Chris
Dokmo, Cynthia
Foster, Linda
Goyette, Peter Jr
Kurk, Neal
Martin, Mary Ellen
Moran, Edward
Ross, Lawrence
Stepanek, Stephen
Villeneuve, Maurice

Bergeron, Jean-Guy
Buhlman, David
Clark, Mark
Dyer, Donald
Gargas, Carolyn
Hinkle, Peyton
L'Heureux, Robert
Matarazzo, Anthony Sr
O'Connell, Timothy
Rowe, Robert
Ulery, Jordan
Wheeler, James

MERRIMACK

Anderson, Eric
Hager, Elizabeth
Kidder, David
Marple, Richard

Currier, David
Hamm, Christine
Langlais, Thomas
Reed, Dennis

DeJoie, John
Hess, David
Lockwood, Priscilla
Whiting, Herbert

French, Barbara
Kennedy, Richard
MacKay, James
Williams, Robert

ROCKINGHAM

Allen, Mary
Camm, Kevin
Dowd, John
Flockhart, Eileen
Gould, Kenneth
Introne, Robert
Langley, Jane
O'Neil, Michael
Quandt, Marshall Lee
Scamman, Stella
Weyler, Kenneth

Bettencourt, David
Coburn, James
Dumaine, Dudley
Francoeur, Sheila
Headd, James
Itse, Daniel
Major, Norman
Packard, Sherman
Rausch, James
Stone, Joseph
Winchell, George

Blanchard, MaryAnn
Cooney, Richard
Fesh, Bob
Garrity, James
Hopfgarten, Paul
Johnson, Robert
McKinney, Betsy
Pantelakos, Laura
Rolston, James
Waterhouse, Kevin

Cady, Harriet
Dodge, Robert
Flanders, John Sr
Gillick, Thomas
Ingram, Russell
Kobel, Rudolph
Morris, Richard
Putnam, Ed II
Sanders, Elisabeth
Welch, David

STRAFFORD

Bickford, David
Dunlap, Patricia
Rollo, Michael

Cataldo, Sam
Easson, Timothy
Spang, Judith

Chaplin, Duncan
Keans, Sandra
Twombly, James

Cilley, Jacalyn
Newton, Clifford
Wall, Janet

SULLIVAN

Converse, Larry

Gale, Harry

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 135**BELKNAP**

Morrison, Gail

Tobin, William

CARROLL

Martin, James Olimpio, J Lisbeth

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Foot, Sheila	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	

COOS

Lary, Bruce	Mears, Edgar	Merrick, Scott	Morneau, Renney
Remick, William			

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Hammond, Lee	Harding, A Laurie	Nordgren, Sharon	Sokol, Hilda

HILLSBOROUGH

Allan, Nelson	Balboni, Michael	Barry, J Gail	Beaulieu, Jane
Brundige, Robert	Campbell, David	Carew, James	Carlson, Donald
Chase, Claudia	Christiansen, Lars	Clemons, Jane	Cote, David
Craig, James	Crane, Elenore Casey	DeVries, Betsi	Drisko, Richard
Essex, David	Ginsburg, Ruth	Gorman, Mary	Graham, John
Hagan, Barbara	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Messier, Irene
Movsesian, Lori	O'Brien, William	Ober, Lynne	Pilotte, Maurice
Renzullo, Andrew	Rosenwald, Cindy	Ryder, Donald	Schulze, Joan
Smith, David	Souza, Kathleen		

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	Danforth, James
DeStefano, Stephen	Field, William	Foose, Robert	Gile, Mary
Greco, Vincent	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Buxton, Donald	Casey, Kimberley	Charron, Gene
DiFruscia, Anthony	Forsing, Robert	Gilbert, Karl	Hughes, Daniel
Katsakiores, George	Katsakiores, Phyllis	Moody, Marcia	Norelli, Terie
Powers, James	Quandt, Matthew	Robertson, Carl	Serlin, Christopher
Splaine, James	Stiles, Nancy	Wiley, Robert	Zolla, William

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Creteau, Irene	Domingo, Baldwin	Grassie, Anne	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Miller, Joseph	Schmidt, Peter
Snyder, Clair	Taylor, Kathleen		

SULLIVAN

Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizz, James	

and the committee amendment was adopted.

Rep. Thomas Langlais voted Yea and intended to vote Nay.

Rep. Phinizz offered floor amendment (1722h).

Floor Amendment (1722h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2007.

Rep. Phinizy spoke in favor.

Rep. Currier spoke against.

On a division vote, 134 members having voted in the affirmative and 163 in the negative, floor amendment (1722h) failed.

The question now being adoption of the committee report.

Rep. Greco spoke against.

On a division vote, 162 members having voted in the affirmative and 135 in the negative, the committee report was adopted.

Ordered to third reading.

HR 16, requesting that the New Hampshire congressional delegation support optional Social Security personal retirement accounts. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara E. Shaw for State-Federal Relations and Veterans Affairs: The consensus of the committee is that personal retirement accounts are only one part of a suggested social security revision. The bill negates other options. The entire program is still in the discussion stage and other options may still be necessary for a complete final plan. To rule out any viable options at this time is premature. Vote 7-4.

Rep. Coughlin moved recommit to committee and spoke in favor.

Adopted.

Recommitted to the Committee on State-Federal Relations and Veterans Affairs.

SPECIAL ORDER

SB 63-FN-A, establishing a court mediation fund to pay the costs of a mediation program in the district courts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Roger G. Wells for the Majority of Ways and Means: The majority of Ways and Means agrees with Judiciary that mediation is a valuable new resource which will be available to small businesses and individuals to settle small claims actions. This bill allows the district court to increase the filing fee in small claims cases by \$5.00 in order to provide paid professionals to mediate up to 1400 small claims cases per year. The courts have indicated that this service would be available initially in at least one court in each county and in all district courts in the state within one year. Introduction of mediation would result in reducing the backlog of cases in many courts, providing swifter service not only for those choosing mediation, but for all small claims actions. Vote 13-4.

Rep. Steve Vaillancourt for the Minority of Ways and Means: This bill came to Ways and Means after passing the Senate, House Judiciary, and passing on the House floor two weeks ago. The minority of Ways and Means concurs with everything except the funding mechanism. The minority is convinced that the type of mediation at the district court level that this bill calls for is a good idea. The mediation would most likely relieve the work burden on judges, and the minority also concurs that disputes settled in such a manner would likely lead to prompter collections by the prevailing party. However, the minority takes seriously the role of Ways and Means in assuring that programs which pass this House are properly funded. Quite clearly, for no less than four separate reasons, that is not the case with the \$5 increase in the filing fee, up from \$55 to \$60, being used to pay for mediation. First, as court officials acknowledged, it will not be possible to implement mediation programs in all district courts statewide for as much as a year. Thus, numerous people will be paying the additional \$5 but would not be eligible to receive the service in the court of their choice. Secondly, all filers in district court would be required to pay the additional \$5 per filing (an estimated 18,000 per year), not simply those who opt to use the mediation service. Third, then there's the matter of cost. Bill proponents note that the \$90,000 raised would be used to pay for mediators, who in the trial programs volunteered their time. They would be paid \$60 for what will amount to an average of one hour's work. They would not have to be trained lawyers or court personnel, yet simple math reveals that were they to work full time at this job, their salary would amount to \$120,000 a year, some \$3200 more than district court judges are paid! And they would only handle 1400 of the estimated 18,000 cases filed. Fourth, even more troubling with the funding mechanism for this bill is the inevitable conclusion that must follow, that justice in New Hampshire can be bought and paid for. We are reduced to treating this filing or

entry fee as something of a service charge. Instead of paying a judge a salary out of general funds, we are allowing a specially paid mediator to handle the task. Clearly, this is not the purpose of a filing fee, and no matter how noble a cause, this is the wrong direction to go. Some counter that by saying, "It's the New Hampshire way. We've abused filing fees for years and years." It's time to put a stop to this abuse, and the minority strongly believes we should draw the line when it comes to justice. We should no more charge extra for mediation and call it a filing fee than we should charge every parent an enrollment fee to help alleviate teachers salaries when children are enrolled in school.

Reps. Hinkle and Soltani spoke against.

Rep. Wells spoke in favor.

Rep. O'Neil moved the previous question.

Adopted.

Rep. Bettencourt requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 164 NAYS 119

YEAS 164

BELKNAP

Fitzgerald, James	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Russell, David		

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Dickinson, Howard	Knox, J David
Martin, James	Olimpio, J Lisbeth		

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
Weed, Charles			

COOS

King, Frederick	Mears, Edgar	Remick, William	Stohl, Eric
Tholl, John Jr			

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brundige, Robert	Campbell, David	Chabot, Robert	Chase, Claudia
Clemons, Jane	Cote, David	Craig, James	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Essex, David
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Gorman, Mary	Graham, John	Hall, Betty	Harvey, Suzanne
Irwin, Anne-Marie	Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony R
Mooney, Maureen	Moran, Edward	Movesian, Lori	Pilote, Maurice
Rosenwald, Cindy	Schulze, Joan	Shaw, Barbara	Slocum, Lee
Smith, David	Velez, Hector	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Kidder, David	Lockwood, Priscilla	MacKay, James	McMahon, Patricia

Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Reardon, Tara
Tilton, Joy
Williams, Robert

Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn
Dowd, John
Gould, Kenneth
Norelli, Terie
Sanders, Elisabeth
Stone, Joseph
Winchell, George

Buxton, Donald
Flanders, John Sr
Langley, Jane
Packard, Sherman
Scamman, Stella
Waterhouse, Kevin

Coburn, James
Flockhart, Eileen
Major, Norman
Powers, James
Serlin, Christopher
Wells, Roger

DiFruscia, Anthony
Gillick, Thomas
Moody, Marcia
Rolston, James
Splaine, James
Weyler, Kenneth

STRAFFORD

Brown, Jennifer
Creteau, Irene
Hofemann, Roland
Schmidt, Peter

Brown, Julie
Dunlap, Patricia
Johnson, Nancy
Snyder, Clair

Brown, Lawrence
Grassie, Anne
Keans, Sandra
Taylor, Kathleen

Cilley, Jacalyn
Hilliard, Dana
Rollo, Michael
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Rodeschin, Beverly

Converse, Larry
Gale, Harry

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

NAYS 119

BELKNAP

Boyce, Laurie
Tobin, William

Clark, Charles
Wendelboe, Fran

Rosen, Ralph
Whalley, Michael

Tilton, Franklin

CARROLL

Babson, David Jr
Stevens, Stanley

Chandler, Gene

Morrow, Harry

Patten, Betsey

CHESHIRE

Emerson, Susan

COOS

Merrick, Scott

Morneau, Renney

Richardson, Herbert

GRAFTON

Gionet, Edmond
Mirski, Paul

Giuda, Robert

Ingretson, Paul

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Boehm, Ralph
Carlson, Donald
Clark, Mark
Emerton, Larry
Hinkle, Peyton
Lawrence, James
Messier, Irene
Price, Pamela
Rowe, Robert
Ulery, Jordan

Balboni, Michael
Brassard, Paul
Carter, Mark
Crane, Elenore Casey
Gibson, John
Infantine, William
Manney, Pamela
O'Brien, William
Reeves, Sandra
Ryder, Donald
Vaillancourt, Steve

Barry, J Gail
Buhlman, David
Christensen, D L Chris
Dyer, Donald
Goyette, Peter Jr
Kurk, Neal
Martin, Mary Ellen
O'Connell, Timothy
Renzullo, Andrew
Souza, Kathleen
Villeneuve, Maurice

Bergeron, Jean-Guy
Crew, James
Christiansen, Lars
Elliott, Nancy
Hagan, Barbara
L'Heureux, Robert
McRae, Karen
Ober, Lynne
Ross, Lawrence
Stepanek, Stephen
Wheeler, James

MERRIMACK

Currier, David
Kennedy, Richard
Reed, Dennis

Field, William
Langlais, Thomas
Soltani, Tony

Greco, Vincent
Marple, Richard
Whiting, Herbert

Hess, David
Oliver, James

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Bettencourt, David	Cady, Harriet
Camm, Kevin	Charron, Gene	Dodge, Robert	Dumaine, Dudley
Fesh, Bob	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	McKinney, Betsy
Morris, Richard	O'Neil, Michael	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Robertson, Carl	Stiles, Nancy	Welch, David
Wiley, Robert	Zolla, William		

STRAFFORD

Bickford, David	Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin
Easson, Timothy	Newton, Clifford	Twombly, James	

SULLIVAN

Osgood, Philip Sr Phinizy, James

and the majority committee report was adopted.

Rep. Coughlin declared a conflict of interest and did not participate.

SB 91-FN, relative to an increase in the co-payment for participation in the animal population control program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Howie Lund for the Majority of Ways and Means: This bill will increase the animal neutering co-payments by \$10.00 for those residents that qualify. Under current law, the animal owner has to provide a co-payment of \$30.00 for Plan A (adopted animals) and \$15.00 for Plan B (animals owned by people on government support programs). The Animal Control Program has greatly helped in reducing costs to municipalities as it relates to animal overpopulation. This program has been responsible for over 46,000 neutering surgeries over the last ten years. This change in the co-payments will allow for approximately 500 additional neuterings per year. The Department of Agriculture has determined this bill may decrease state restricted expenditures by \$45,880 in FY 2006 and each year thereafter. There will be no fiscal impact on county and local expenditures or state, county and local revenues. Vote 11-5.

Rep. Kevin L. Camm for the Minority of Ways and Means: This bill increases the fees for participation in the animal population control program (APCP) by \$10 for each dog and cat. The APCP has been highly successful at reducing the number of stray dogs and cats, thus reducing euthanasia. Dog owners have been growling since they solely fund the state portion of the program. Last year those license fees amounted to approximately \$300,000. Dog owners have been scratched and clawed enough. This program is utilized 80% by cats to 20% by dogs. The minority believes we should take a bite out of this inequality. Cat owners should bear a fairer burden of the expense of the program. For example an amendment could be prepared that raises the fees only on cats and leaves the dogs alone. The bill should be re-committed to the committee for such an evaluation that strives for equal fiscal treatment, otherwise the bill should be ITL.

On a division vote, 172 members having voted in the affirmative and 109 in the negative, the majority committee report was adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the Rules be so far suspended as to allow reporting from committee beyond the deadline without the required printing of the report and consideration at the present time of **SB 146-FN-A-L**, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices.

Reps. Vaillancourt and Mirski spoke against.

Reps. Hager and Whalley spoke in favor.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the motion to suspend the rules.

YEAS 179 NAYS 103**YEAS 179****BELKNAP**

Fitzgerald, James
Wendelboe, Fran

Millham, Alida
Whalley, Michael

Morrison, Gail

Tobin, William

CARROLL

Ahlgren, Christopher
Martin, James

Brown, Carolyn
Merrrow, Harry

Chandler, Gene
Patten, Betsey

Knox, J David

CHESHIRE

Allen, Peter
Eaton, Daniel
Mitchell, Bonnie
Tilton, Anna

Butcher, Suzanne
Emerson, Susan
Parkhurst, Henry
Weed, Charles

Butynski, William
Foote, Sheila
Richardson, Barbara

Dunn, J Timothy
Hunt, John
Robertson, Timothy

COOS

King, Frederick

Mears, Edgar

GRAFTON

Almy, Susan
Hammond, Lee
Naro, Debra
Williams, Burton

Andersen, Gene
Harding, A Laurie
Nordgren, Sharon

Benn, Bernard
McLeod, Martha
Sokol, Hilda

Cooney, Mary
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Allan, Nelson
Brassard, Paul
Carlson, Donald
Christensen, D L Chris
Craig, James
Drisko, Richard
Gargas, Carolyn
Goyette, Peter Jr
L'Heureux, Robert
Moran, Edward
Pilotte, Maurice
Ross, Lawrence
Slocum, Lee

Batula, Peter
Brundige, Robert
Carter, Mark
Clemons, Jane
Crane, Elenore Casey
Emerton, Larry
Ginsburg, Ruth
Harvey, Suzanne
Lasky, Bette
Movsesian, Lori
Price, Pamela
Ryder, Donald
Smith, David

Beaulieu, Jane
Campbell, David
Chabot, Robert
Cote, David
DeVries, Betsi
Essex, David
Golding, William
Irwin, Anne-Marie
Manney, Pamela
O'Brien, William
Reeves, Sandra
Schulze, Joan
Velez, Hector

Bergin, Peter
Carew, James
Chase, Claudia
Coughlin, Pamela
Dokmo, Cynthia
Foster, Linda
Gorman, Mary
Kopka, Angeline
Mooney, Maureen
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Barbara
Wheeler, Robert

MERRIMACK

Anderson, Eric
Danforth, James
Gile, Mary
Kidder, David
Osborne, Jessie
Rush, Deanna
Wallner, Mary Jane

Bouchard, Candace
DeJoie, John
Greco, Vincent
Lockwood, Priscilla
Potter, Frances
Ryan, Jim
Walz, Mary Beth

Clarke, Claire
DeStefano, Stephen
Hager, Elizabeth
MacKay, James
Reardon, Tara
Shurtleff, Stephen
Williams, Robert

Currier, David
French, Barbara
Hess, David
McMahon, Patricia
Reed, Dennis
Tilton, Joy
Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn
Dowd, John
Gillick, Thomas
Kobel, Rudolph
O'Neil, Michael
Quandt, Matthew
Serlin, Christopher
Waterhouse, Kevin
Zolla, William

Buxton, Donald
Flockhart, Eileen
Gould, Kenneth
Major, Norman
Packard, Sherman
Robertson, Carl
Splaine, James
Wells, Roger

Charron, Gene
Francoeur, Sheila
Ingram, Russell
Moody, Marcia
Powers, James
Rolston, James
Stiles, Nancy
Weyler, Kenneth

Coburn, James
Garrity, James
Introne, Robert
Norelli, Terie
Quandt, Marshall Lee
Scamman, Stella
Stone, Joseph
Winchell, George

STRAFFORD

Brown, Jennifer
 Creteau, Irene
 Johnson, Nancy
 Snyder, Clair

Brown, Julie
 Dunlap, Patricia
 Keans, Sandra
 Taylor, Kathleen

Brown, Lawrence
 Grassie, Anne
 Rollo, Michael
 Twombly, James

Cilley, Jacalyn
 Hilliard, Dana
 Schmidt, Peter
 Wall, Janet

SULLIVAN

Cloutier, John
 Houde-Quimby, Charlotte

Converse, Larry
 Jillette, Arthur Jr

Donovan, Thomas
 Phinzy, James

Franklin, Peter
 Rodeschin, Beverly

NAYS 103**BELKNAP**

Boyce, Laurie
 Rosen, Ralph

Clark, Charles
 Russell, David

Neddeau, Stephen
 Tilton, Franklin

Pilliod, James

CARROLL

Babson, David Jr

Dickinson, Howard

Olimpio, J Lisbeth

Stevens, Stanley

CHESHIRE

Dexter, Judson

Hogancamp, Deborah

Roberts, Kris

Sawyer, Sheldon

COOS

Merrick, Scott
 Stohl, Eric

Morneau, Renney
 Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Gionet, Edmond
 Mirski, Paul

Giuda, Robert

Ingbretson, Paul

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
 Boehm, Ralph
 Desmarais, Vivian
 Graham, John
 Kurk, Neal
 McRae, Karen
 Rowe, Robert
 Vaillancourt, Steve

Balboni, Michael
 Buhlman, David
 Dyer, Donald
 Hagan, Barbara
 Lawrence, James
 Messier, Irene
 Souza, Kathleen
 Villeneuve, Maurice

Barry, J Gail
 Christiansen, Lars
 Elliott, Nancy
 Hall, Betty
 Martin, Mary Ellen
 Ober, Lynne
 Stepanek, Stephen
 Wheeler, James

Bergeron, Jean-Guy
 Clark, Mark
 Gibson, John
 Hinkle, Peyton
 Matarazzo, Anthony Sr
 Renzullo, Andrew
 Ulery, Jordan

MERRIMACK

Blanchard, Elizabeth
 Kennedy, Richard
 Tupper, Frank

Field, William
 Langlais, Thomas
 Whiting, Herbert

Foose, Robert
 Marple, Richard

Hamm, Christine
 Oliver, James

ROCKINGHAM

Abbott, Dennis
 Camm, Kevin
 Fesh, Bob
 Headd, James
 Johnson, Robert
 McKinney, Betsy
 Welch, David

Allen, Mary
 DiFruscia, Anthony
 Flanders, John Sr
 Hopfgarten, Paul
 Katsakiores, George
 Morris, Richard
 Wiley, Robert

Bettencourt, David
 Dodge, Robert
 Forsing, Robert
 Hughes, Daniel
 Katsakiores, Phyllis
 Putnam, Ed II

Cady, Harriet
 Dumaine, Dudley
 Gilbert, Karl
 Itse, Daniel
 Langley, Jane
 Sanders, Elisabeth

STRAFFORD

Bickford, David
 Easson, Timothy

Cataldo, Sam
 Hofemann, Roland

Chaplin, Duncan
 Newton, Clifford

Domingo, Baldwin

SULLIVAN

Ferland, Brenda Gale, Harry Osgood, Philip Sr
 and the motion to suspend the rules failed, lacking the necessary two-thirds.
 Rep. Major moved recommit to committee.
 Rep. Vaillancourt moved Lay on the Table.
 The Speaker declared a brief recess.

RECESS

The Speaker called the House to order and referred SB 146 to the Committee on Ways and Means.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 15, 2005 at 10:00 a.m.
 Adopted.

LATE SESSION**Third reading and final passage**

SB 125-FN, repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism.
SB 170, revising the nurse practice act.
SB 113-FN, relative to the use of federal funds for technology improvements within the department of employment security.
SB 214, relative to screening panels for medical injury claims.
SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision.
SB 63-FN-A, establishing a court mediation fund to pay the costs of a mediation program in the district courts.
SB 91-FN, relative to an increase in the co-payment for participation in the animal population control program.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports, receiving Senate messages, and forming Committees of Conference on the budget bills (HB 1, HB 2 and HB 25).
 Adopted.
 The House recessed at 6:45 p.m.

RECESS**(Rep. Stephen L'Heureux in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 246, 288, 299, 332, 382, 394, 432, 449 and 619.
 Rep. Currier, Sen. D' Allesandro for the Committee

ENROLLED BILL AMENDMENTS

SB 38-FN, relative to school building aid for certain receiving districts. (Amendment printed SJ 06/09/05)
 Adopted.
SB 66, establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England. (Amendment printed SJ 06/09/05)
 Adopted.
SB 83, establishing a commission to study issues relative to the comprehensive shoreland protection act. (Amendment printed SJ 06/09/05)
 Adopted.

RECESS

(Rep. Vaillancourt in the Chair)

ENROLLED BILL AMENDMENT**HB 259**, relative to medical assistance for home care for children with severe disabilities.**Amendment (1524 –EBA)**

Amend RSA 167:3-f, VI(d) as inserted by section 2 of the bill by replacing line 1 with the following:

(d) The child's family or guardian has expressed a willingness and desire to assume
end RSA 167:3-g, VI as inserted by section 2 of the bill by replacing line 1 with the following:VI. The joint medical review team shall determine that the degree of care provided by an
Adopted.**SENATE MESSAGE****ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE****HB 293**, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county.

The President appointed Sens. Flanders, Odell and Larsen.

RECESS

(Speaker Scamman in the Chair)

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS****HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007. (Amendments printed SJ 06/09/05)

Rep. Marple moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. King, Hager, Stone, Douglas Scamman and Wallner. Alternates: Weyler, Major, Robert Wheeler, Daniel Eaton and Franklin.

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures. (Amendments printed SJ 06/09/05)

Rep. Marple moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. King, Hager, Douglas Scamman, Wendelboe and Foster. Alternates: Price, Dodge, Kurk, Marjorie Smith and Wallner.

HB 25-FN-A, making appropriations for capital improvements. (Amendments printed SJ 06/09/05)

Rep. Marple moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Chandler, Rausch, Graham, Eric Anderson and Cloutier.

RECESS

(Rep. Gilbert in the Chair)

SENATE MESSAGE**ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE****HB 145**, relative to the healthy kids corporation.

The President appointed Sens. Clegg, Gatsas and Larsen.

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee.

The President appointed Sens. Roberge, Morse and Larsen.

HB 204-FN, relative to unauthorized video surveillance.

The President appointed Sens. Johnson, Gottesman and Estabrook.

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds.

The President appointed Sens. Clegg, Foster and Green.

HB 357, relative to negligent driving.

The President appointed Sens. Letourneau, Flanders and Burling.

HB 366, relative to maintenance of voter checklists.

The President appointed Sens. Boyce, Bragdon and Hassan.

HB 468, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff.

The President appointed Sens. Foster, Roberge and Gottesman.

HB 583, establishing an oversight committee to study medical malpractice insurance rates in this state.

The President appointed Sens. Flanders, Roberge and Foster.

HB 586, relative to the periodic review of child support guidelines.

The President appointed Sens. Bragdon, Martel and Fuller-Clark.

HB 720-FN, relative to special number plates.

The President appointed Sens. Letourneau, Flanders and Clegg.

HCRC 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire.

The President appointed Sens. Green, Barnes and Fuller-Clark.

HCRC 10, recognizing February 8, 2005 as Scouting in New Hampshire Day.

The President appointed Sens. Barnes, Letourneau and Estabrook.

RECESS

(Rep. Daniel Eaton in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 205, 214, 303, 411, 420, 421, 429, 430, 465, 469, 472, 491, 514 and 603 and Senate Bills numbered 23, 54, 77, 78, 88, 90, 105, 165, 173, 187 and 215.

Rep. Currier, Sen. D'Allesandro for the Committee

SENATE MESSAGES

NONCONCURRENCE

HB 567, relative to mediation in family law cases involving children.

RE-REFERRED TO COMMITTEE

HB 406, revising certain provisions of the home education statutes.

HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications.

HB 582, relative to the policy for records management.

RECESS

(Rep. Rausch in the Chair)

SENATE MESSAGE

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 25-FN-A, making appropriations for capital improvements.

The President appointed Sens. Clegg, Morse and D'Allesandro.

RECESS

(Rep. Dodge in the Chair)

SENATE MESSAGE

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007.

The President appointed Sens. Morse, Boyce, Eaton, Clegg and D'Allesandro.

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures.

The President appointed Reps. Morse, Boyce, Eaton, Clegg and D'Allesandro.

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 19

Wednesday, June 15, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend David P. Jones, Rector of St. Paul's Episcopal Church in Concord.

Lord, remind us all this day that in the economy of Your desires, the bottom line has nothing to do with numbers and everything to do with people. As these our leaders make choices for us today, give them hearts as open as their minds and ears as open as their lips, for then the budget which comes forth in the days ahead will balance not only dollars and cents, but lives as well. Amen.

Rep. Donald F. Ryder led the Pledge of Allegiance.

The National Anthem was sung by Craig Sanphy, a sophomore at Concord High School.

LEAVES OF ABSENCE

Reps. Albert, Mary Allen, Hunter, Lessard, Palangas, Palazzo, Philbrick and Katherine Taylor, the day, illness.

Reps. Batula, Bishop, Buhlman, Richard Cooney, Currier, Donahue, Haley, Hebert, Manning, Pelkey, Pepino, Serlin, Paul Smith, Weed, Winchell and Zolla, the day, important business.

Rep. Theberge, the day, illness in the family.

INTRODUCTION OF GUESTS

Page for the Day, Cassie Stepanek, eighth grade student at Amherst Middle School and daughter of Rep. Stepanek.

David and Mary Sanphy, parents of today's singer, guests of the House. Carol Introne, Melissa and Isabelle Introne, Jim and Donna Wiens, wife, daughter-in-law, granddaughter, and guests of Rep. Introne. Ann Ehrlich, sister of Rep. Alger. Thomas and Marion Bucu, Marissa Elizabeth Rose, parents and niece of Rep. Bucu. Michael, Alexandra and Taylor Mason, husband and daughters of Rep. Mason. Hon. Pat Kruger, former member and Ortwin Krueger, guests of Rep. Dickinson. Nick Frotton, guest of Rep. Abbott. Rep-elect Gil Shattuck, guest of the House Democrats.

SPECIAL GUESTS

Sergeant Jon Worall of Brentwood and Sergeant Randy Frotton of Newmarket, New Hampshire National Guard, guests of the House. Recently returned from duty in Iraq, both men sustained serious injuries and have been awarded the Purple Heart for their service. They joined the Speaker and Governor on the rostrum.

Rep. Weyler moved that the remarks introducing the two men be printed in the Permanent Journal. Without objection, the Speaker so ordered.

REMARKS

Rep. Buxton: Thank you, Mr. Speaker. I have the privilege of introducing two brave soldiers to this House. Both men received serious wounds while serving in Iraq and are now home recuperating. First is Sergeant Jon Worall of Brentwood who began his career in the Navy before joining the New Hampshire National Guard. Second is Sergeant Randy Frotton of Newmarket, who with his son, Nick, up in the gallery today, also served as a helicopter pilot and an Army Ranger before serving in the New Hampshire National Guard.

Mr. Speaker, I call upon you and the members of this House, including my fellow veterans, to honor these two heroes and be grateful for their service to our nation. They know that freedom is not without sacrifice.

Speaker Scamman: Over many centuries the people of the United States are very fortunate that we've had men who are willing to go to war, to fight and sacrifice. Many have lost their lives, many as these

two men have had serious injuries. We all appreciate what you have done for us. It is very obvious that the House is quite moved that you are here. It's very obvious that we appreciate what was said in the prayer, that we will do our job as we should see fit and we want to thank you for making that possible, that across this country that is still happening in all 50 states and in Washington, DC. I present you with your declarations. Thank you very much on behalf of the citizens of the United States, New Hampshire and of the House.

SENATE MESSAGES

CONCURRENCE

HB 102-FN-A, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor.

HB 170, relative to unemployment compensation.

HB 383, relative to vital records administration.

HB 404, permitting employees to request a wage deduction for contributions to a political action committee.

HB 439, relative to registration requirements for criminal offenders.

HB 477-FN, increasing registration fees for pesticides and commercial feeds.

HB 510, relative to financial affidavits in domestic relations cases.

HB 511, relative to the confidentiality of records pertaining to the support of dependent children.

HB 517, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste.

HB 637-FN, relative to licensure of alcohol and drug abuse professionals.

HB 647-FN, relative to restructuring the department of revenue administration.

HB 651-FN-L, relative to federal lien registration.

CONCURRENCE WITH AMENDMENTS

SB 21-L, relative to voluntary mediated agreements in adoptions.

SB 46, relative to the duties of law enforcement officials upon receiving reports of missing adults.

SB 52, establishing the state suggestion and extraordinary service award program.

SB 53-FN, relative to increased funding for publication of certain materials by the department of environmental services.

SB 73, relative to market conduct record retention and production.

SB 74, making certain technical changes in the insurance laws.

SB 79, relative to the governance of the regional community-technical colleges.

SB 86, permitting on-site samples and retail sales by liquor manufacturer licensees.

SB 111, relative to persons conducting securities broker-dealer and investment advisor businesses.

SB 115-FN, relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services.

SB 132, relative to the board of marital mediator certification.

SB 152-FN, relative to audits by the department of revenue administration of enhanced 911 charges and relative to the confidentiality of information collected by the department of safety regarding the surcharge for the enhanced 911 system.

SB 168, relative to administration of estates.

SB 186, allowing probate court judges and district court justices to sit on probate or district court cases.

SB 188, relative to the construction of buildings on properties without street frontage.

SB 199, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges.

SB 201, making technical corrections to certain environmental laws and the small business technical assistance program.

SB 223-FN, relative to licensing nondepository mortgage bankers and brokers.

SCR 1, a resolution endorsing a farm viability task force.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 450-FN-A, extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor. (Amendment in SJ 06/09/05)

Rep. Moran moved that the House concur and spoke in favor.

Adopted.

HB 585, relative to grounds for termination of parental rights. (Amendment printed SJ 06/09/05)
Rep. Moran moved that the House concur and spoke in favor.

Adopted.

HB 640-FN, relative to parental rights and responsibilities. (Amendments printed SJ 5/26/05)
Rep. Moran moved that the House concur and spoke in favor.

Adopted.

HB 490, relative to law enforcement access to financial records under the New Hampshire right to privacy act. (Amendment printed SJ 06/09/05)

Rep. Sheila Francoeur moved that the House concur and spoke in favor.

Adopted.

HB 68, relative to the enforcement of disorderly conduct by reason of noise. (Amendment printed SJ 06/02/05)

Rep. Dowling moved that the House concur and spoke in favor.

Adopted.

HB 252, requiring bail hearings for persons arrested for probation violations. (Amendment printed SJ 06/02/05)

Rep. Dowling moved that the House concur and spoke in favor.

Adopted.

(Rep. Price in the Chair)

HB 643-FN, establishing an integrated criminal justice information system. (Amendment printed SJ 05/26/05)

Reps. Dowling and King moved that the House concur.

Rep. Stevens spoke in favor.

Adopted.

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission. (Amendment printed SJ 05/26/05)

Rep. Stephen L'Heureux moved that the House concur and spoke in favor.

Adopted.

HB 616-FN-L, relative to the education property tax and the education equity index. (Amendments printed SJ 06/09/05)

Reps. Stephen L'Heureux and King moved that the House concur.

Reps. Stephen L'Heureux, King, Vaillancourt and Hess spoke in favor and yielded to questions.

Reps. Peter Allen and Pratt spoke against and yielded to questions.

Reps. Dunn, Daniel Smith, Phinizy and Tupper spoke against.

Reps. Carter, Mirski, Vaillancourt, Flockhart and Bicknell spoke in favor.

Rep. Hess requested a roll call; sufficiently seconded.

The question being adoption of the motion to concur with Senate amendments.

YEAS 269 NAYS 96

YEAS 269

BELKNAP

Allen, Janet
Flanders, Donald
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Boyce, Laurie
Heald, Bruce
Pilliod, James
Tilton, Franklin
Whalley, Michael

Clark, Charles
Millham, Alida
Rosen, Ralph
Tobin, William

Fitzgerald, James
Morrison, Gail
Russell, David
Veazey, John

CARROLL

Ahlgren, Christopher
Chandler, Gene
McConkey, Mark
Stevens, Stanley

Babson, David Jr
Dickinson, Howard
Morrow, Harry

Brown, Carolyn
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

CHESHIRE

Butcher, Suzanne
Emerson, Susan
Hunt, John
Richardson, Barbara

Butynski, William
Espiefs, Peter
Mitchell, Bonnie
Sawyer, Sheldon

Dexter, Judson
Foote, Sheila
Parkhurst, Henry

Dunn, J Timothy
Hogancamp, Deborah
Plifka, Stanley Jr

COOS

King, Frederick
Remick, William

Lary, Bruce
Richardson, Herbert

Merrick, Scott
Stohl, Eric

Morneau, Renney
Tholl, John Jr

GRAFTON

Alger, John
Bleyler, Ruth
Giuda, Robert
Maybeck, Margie
Nordgren, Sharon
Ward, John

Andersen, Gene
Cooney, Mary
Hammond, Lee
McLeod, Martha
Sokol, Hilda
Williams, Burton

Barker, Robert
Eaton, Stephanie
Harding, A Laurie
Mirski, Paul
Solomon, Peter

Benn, Bernard
Gionet, Edmond
Ingbretson, Paul
Naro, Debra
Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Beaulieu, Jane
Boehm, Ralph
Carlson, Donald
Christiansen, Lars
Daniuk, Caitlin
Drisko, Richard
Gargas, Carolyn
Goyette, Peter Jr
Infantine, William
Lawrence, James
Messier, Irene
Ober, Lynne
Renzullo, Andrew
Scanlon, Michael
Stepanek, Stephen
Ulery, Jordan
Wheeler, Robert

Adams, Jarvis IV
Bergeron, Jean-Guy
Brassard, Paul
Carter, Mark
Clayton, William
Desmarais, Vivian
Emerton, Larry
Gibson, John
Hansen, Ryan
Irwin, Anne-Marie
Manney, Pamela
Moran, Edward
Pappas, Christopher
Ross, Lawrence
Shaw, Barbara
Sullivan, Francis
Vaillancourt, Steve

Baroody, Benjamin
Bergin, Peter
Calawa, Leon Jr
Chabot, Robert
Coughlin, Pamela
DeVries, Betsi
Essex, David
Golding, William
Hirschmann, Keith
Jasper, Shawn
McRae, Karen
O'Brien, William
Pilotte, Maurice
Rowe, Robert
Slocum, Lee
Sullivan, Peter
Velez, Hector

Barry, J Gail
Biundo, Michael
Carew, James
Chase, Claudia
Craig, James
Dokmo, Cynthia
Foster, Linda
Gonzalez, Carlos
Holden, Randolph
Kurk, Neal
Mead, Robert
O'Connell, Timothy
Reeves, Sandra
Ryder, Donald
Souza, Kathleen
Tahir, Saghir
Wheeler, James

MERRIMACK

Anderson, Eric
Foose, Robert
Hess, David
L'Heureux, Stephen
Maxfield, Roy
Reed, Dennis
Whiting, Herbert

Clarke, Claire
French, Barbara
Kennedy, Richard
Langlais, Thomas
McMahon, Patricia
Rush, Deanna
Williams, Robert

Danforth, James
Greco, Vincent
Kidder, David
MacKay, James
Oliver, James
Ryan, Jim
Yeaton, Charles

Field, William
Hager, Elizabeth
Klose, John
Marple, Richard
Owen, Derek
Soltani, Tony

ROCKINGHAM

Abbott, Dennis
Bicknell, Elbert
Cali-Pitts, Jacqueline
Dalrymple, Janeen
Dowling, Patricia
Flockhart, Eileen
Gillick, Thomas
Hughes, Daniel
Johnson, Rogers
Langley, Jane
Norelli, Terie
Powers, James
Quandt, Matthew
Sanders, Elisabeth
Stiles, Nancy
Weldy, Norman

Asselin, Michael
Blanchard, MaryAnn
Casey, Kimberley
DiFruscia, Anthony
Doyle, Christopher
Forsing, Robert
Gould, Kenneth
Ingram, Russell
Katsakiores, George
Lund, Howie
Nowe, Ronald
Priestley, Anne
Rausch, James
Scamman, Stella
Stone, Joseph
Wells, Roger

Belanger, Ronald
Bridle, Russell
Charron, Gene
Dodge, Robert
Fesh, Bob
Francoeur, Sheila
Griffin, Mary
Itse, Daniel
Katsakiores, Phyllis
Mason, April
O'Neil, Michael
Putnam, Ed II
Robertson, Carl
Scamman, W Douglas
Waterhouse, Kevin
Weyler, Kenneth

Bettencourt, David
Buxton, Donald
Coburn, James
Dowd, John
Flanders, John Sr
Garrity, James
Hopfgarten, Paul
Johnson, Robert
Kobel, Rudolph
McMahon, Charles
Pantelakos, Laura
Quandt, Marshall Lee
Rolston, James
Splaine, James
Welch, David
Wiley, Robert

STRAFFORD

Berube, Roger
 Callaghan, Frank
 Creteau, Irene
 Grassie, Anne
 Miller, Joseph
 Smith, Marjorie
 Wall, Janet

Bickford, David
 Campbell, W Packy
 Domingo, Baldwin
 Heon, Richard
 Newton, Clifford
 Snyder, Clair

Brown, Julie
 Cataldo, Sam
 Dunlap, Patricia
 Kaen, Naida
 Rollo, Michael
 Spang, Judith

Brown, Lawrence
 Chaplin, Duncan
 Easson, Timothy
 Keans, Sandra
 Rous, Emma
 Twombly, James

SULLIVAN

Cloutier, John
 Irish, Christopher
 Rodeschin, Beverly

Converse, Larry
 Jillette, Arthur Jr

Gale, Harry
 Osgood, Philip Sr

Houde-Quimby, Charlotte
 Prichard, Stephen

NAYS 96**BELKNAP**

None

CARROLL

None

CHESHIRE

Chase, William
 Robertson, Timothy

Eaton, Daniel
 Tilton, Anna

Pratt, John

Roberts, Kris

COOS

Buzzell, Bernard

Mears, Edgar

GRAFTON

Almy, Susan

Ham, Bonnie

Mulholland, Catherine

HILLSBOROUGH

Allan, Nelson
 Christensen, D L Chris
 Crane, Elenore Casey
 Francoeur, Bea
 Hagan, Barbara
 Hellwig, Steve
 Kelly, Eugene Jr
 Lefebvre, Roland
 Mooney, Maureen
 Schulze, Joan

Balboni, Michael
 Clark, Mark
 Dyer, Donald
 Ginsburg, Ruth
 Hall, Betty
 Hinkle, Peyton
 Kopka, Angeline
 Martin, Mary Ellen
 Movsesian, Lori
 Shaw, Kimberly

Brundige, Robert
 Clemons, Jane
 Egbers, Fran
 Gorman, Mary
 Harvey, Suzanne
 Jean, Claudette
 L'Heureux, Robert
 Matarazzo, Anthony Sr
 Rochette, Eric
 Smith, David

Campbell, David
 Cote, David
 Elliott, Nancy
 Graham, John
 Hawkins, Ken
 Johnson, Paula
 Lasky, Bette
 Michon, Stephen
 Rosenwald, Cindy
 Villeneuve, Maurice

MERRIMACK

Blanchard, Elizabeth
 DeStefano, Stephen
 Osborne, Jessie
 Tilton, Joy

Bouchard, Candace
 Gile, Mary
 Potter, Frances
 Tupper, Frank

Brueggemann, Donald
 Hamm, Christine
 Reardon, Tara
 Wallner, Mary Jane

DeJoie, John
 Lockwood, Priscilla
 Shurtleff, Stephen
 Walz, Mary Beth

ROCKINGHAM

Cady, Harriet
 Gilbert, Karl
 Major, Norman
 Morris, Richard

Camm, Kevin
 Headd, James
 McKinney, Betsy
 Packard, Sherman

Carson, Sharon
 Hutchinson, Karen
 Moody, Marcia
 Parker, Benjamin

Dumaine, Dudley
 Introne, Robert
 Moore, Benjamin
 Weare, E Albert

STRAFFORD

Brown, Jennifer
 Hollinger, Jeffrey
 Taylor, Kathleen

Cilley, Jacalyn
 Johnson, Nancy

Goodwin, Earle
 Knowles, William

Hofemann, Roland
 Schmidt, Peter

SULLIVAN

Donovan, Thomas

Ferland, Brenda

Franklin, Peter

Phinizy, James

and the motion to concur with Senate amendments was adopted.

MOTION TO PRINT DEBATE

Rep. Hess moved that the debate on **HB 616-FN-L**, relative to the education property tax and the education equity index, be printed in the House Journal.

Adopted.

DEBATE ON HOUSE BILL 616

(Rep. Price in the Chair)

Debate on Concurrence with Senate Amendments

Rep. Stephen L'Heureux: Thank you, Madame Speaker. Madame Speaker, today I ask for your support, the support of my colleagues in the House to concur with the Senate amendments to House Bill 616. House Bill 616 began as did the other nine education funding bills as ideas. Each bill presented a method to fund education in our state. Each bill and their ideas were the bricks that formed the foundation to guiding the principles of an enhanced education for our children. Madame Speaker, from those days when the wind was blowing the large flakes of snow, we as a committee began the debate guiding us to the basic principles of education. It's about policy. What does an education of our children resemble?

School funding moved away from a debate concerning how to distribute available resources towards a real analysis of how a state-wide enhanced education is defined and what the ingredients were. And make no mistake about it, this was a bipartisan effort.

The only legitimate and responsible response to our challenge rested within a commitment to the realities to our schools. How they operate. What it costs to do so. And more importantly, what it costs to change. Recognizing the difficulties faced by communities with low property values, we as a committee chose to target aid to those communities that faced the challenges related to poverty. Specifically, those with a lower than average median income in relation to the state average median income. We chose to recognize populations of students who are eligible for free or reduced lunches. We recognized the unique provision of special education and those with populations of children with limited English proficiency. And we discussed transportation costs in our districts. Those were our principles.

We further recognized that any loss of aid based upon the diverse populations in our state from community to community would be difficult. We believed in transitions grants.

Now it's June and although the weather is cooler today than last week's sweltering heat, these same principles are contained in the amendment before us today. Yes, it seems many hands worked in the crafting of a formula to meet the principles. Each one of those provided more or less aid to a community, yet, the basic principles remained.

Our concerns also included the statewide property tax, the donor and receiver town labels and hardship tax relief for our citizens with limited means to afford to stay in their homes where generations of family holidays have been celebrated. This formula eliminates all but one donor community, although through much deliberation and several attempts at changing the formulas, we were not able to eliminate the statewide property tax, yet. And for now, it is this tax that will fund property tax relief to our neediest citizens.

So Madame Speaker, I urge you today to join me and my colleagues in the House to support a motion to concur. I offer to the body the financial technical expertise of the Chairman of Finance, the distinguished member from Colebrook. I also offer the legalise, nuts and bolts, to the member from Hooksett, who chaired the subcommittee and who has been working on this issue since February. Madame Speaker, this bipartisan effort to identify the honest principles of educating our children needed to begin with a discussion of the policy of education. What we deliver to our children, and what parents and taxpayers can expect from year to year. That is what is important. Demographics and the fluid society we live in will surely change funding amounts but those core principles of what we provide as an educational opportunity should never be forgotten.

Madame Speaker, some in the body today will vote upon a spreadsheet. I urge you and my colleagues to look beyond the spreadsheet filled with mathematical calculations and look towards the principles that guard our children's education. It's time to be statesmen and look forward to a better plan to address our educational needs for the good of the state. This is a better plan. Thank you, Madame Speaker.

Rep. Kurk: Thank you, Madame Speaker. Thank you, Rep. L'Heureux for taking the question. I have two. The first one is there a dollar amount of adequacy aid that this bill determines that each child shall receive?

Rep. Stephen L'Heureux: To answer your question, I'm going refer all the financial, technical expertise to the member from Colebrook, Rep. King, who will be doing a walkthrough step by step of every component of the bill.

Rep. Kurk: Madame Speaker, I wish to defer my questions until I've heard the full presentation. Thank you.

Rep. King: Thank you, Madame Chairperson. Ladies and gentlemen, I'm assuming that you all have picked up the two handouts that are on the table. One is the spreadsheet that shows the distribution of funds. The other is a blueprint of how this plans works. I would like to have an opportunity for the members to have these documents, it appears that a lot of the members do not have the appropriate documents, I think it would be appropriate for them to have them before we have the discussion.

Thank you very much, Madame Chair. Let me start by saying, as the previous speaker said, this process this year started in February with the introduction of House Bill 616 before the Education Committee. The Education Committee listened to the bill, listened to several other bills, a subcommittee spent many hours working on the bill. As you know, it tag-teamed over to the Finance Committee from the Education Committee. Further work was done on the bill. We ended up here in the House, passing the bill over to the Senate. The Senate had hearings on their version of the bill both before the Education Committee and the Finance Committee and ultimately, last week passed their version of House Bill 616.

All during this process, all of the issues we are talking about today were discussed at length. Many of the issues that we are going to be talking about today have appeared in other bills in the past, including two years ago just about now we passed a bill from the House to the Senate, House Bill 608. Many of the components of this bill were in that bill.

I think we need to understand that from the beginning the Education Committees and the Finance Committees, and all the legislature has had some significant goals in mind. Goal #1 is to eliminate donor towns. The donor town issue that came early was an attempt to transfer money from some towns to other towns, and that was not popular. So the goal has been to eliminate donor towns. This bill all but accomplishes that. There is one donor town that may be left if they have the capacity to spend the money, the overage that would go to the state, they can keep that money themselves. Targeted aid. Targeted aid is what this is all about. The Claremont lawsuit came about because there was a recognition in this state that some communities simply did not have the resources to provide a decent education for their children. Under the Augenblick formula which was passed several years ago, it addressed targeting aid. Targeting aid to those towns that needed it. This bill targets, as all of the bills we have discussed in the past and all this year, targeted aid. We need a fair transition for those towns that were receiving money and may be seeing their funding change as we change formulas. So we need to have a transition plan for those towns. We need to recognize that our communities in this state vary in their own individual needs. Some communities, who would appear to those of us who live in the North Country, are relatively wealthy and don't have any need as we see it for money, we recognize that they have other problems that effect their taxpayers. Growth is a significant issue. Growth means more schools. Growth means more roads, more police, more firemen. So I think we have to recognize that the logistics of all our communities. And we have to have a plan that is predictable. We have to find a way that our school districts as they meet to do their budgets can be confident of what they are going to get from state aid.

I think we also as a state legislature need to step back and look at what's happened over the years. Look at how little money the state used to spend on education, part of the Claremont lawsuit. And recognize that we were paying something like 7% of the cost of local education out of state funds. And recognize the progress we made and I think we should stop apologizing for not funding education. Because I think we have reached the point where the total commitment of the state to our local school districts meets the average throughout the country. I think that is a worthy measurement.

This little document here is produced by the Board of Education. You probably all have seen copies of this and if you haven't they are available. I have a few that I would be glad to give to people but they are available. This is the most recent version because it actually has Dr. Tracy, the new Commissioner's name on it.

I think we need to look at what our state is as we set about to try to treat everybody equally. We find out that there are 221 towns and incorporated places in New Hampshire, there are 13 cities, there are 176 school districts administered by 80 school administrative units. Each of these entities is different. Each of these towns is different. We have towns where there is a million dollars in property value to support every student they have to educate. We have town where there is \$300,000 worth of property that they can tax to support their kids. We've got towns where the median family income is over \$100 million dollars. We've got towns where the median family is a third of that. We all here collectively represent those individual towns and our challenge is to do by right by our citizens that we represent while developing a plan that works for everyone.

We need to look at what we've accomplished over the years. And the other thing we need not to lose sight of is the fact that as we talk about the school funding plan today, we need to know that the state spends a lot of other money on schools that does not often get counted. In 2003-2004 the State of New Hampshire spent \$31 millions of state dollars to support school construction. We spent \$19 million to support catastrophic aid programs, the catastrophic aid to support those children with the greatest special needs. We spent \$1,700,000 on kindergarten programs. We spent \$4 million on vocational tuition and transportation – children from one school district that go to a vocational education program at another school. We spent \$7 million on career and technical educations and renovation aid. So we spend a lot of dollars that we lose sight of when we talk about educational funding and we need to focus on that.

In 2002-2003 the local taxes supported 43% of the cost of education. The state adequacy aid was over 50%, the federal government put in 5%. So we are getting there. We have reached the point, I think, where we need now to try to fine tune this so that the program will work for tomorrow and for the future.

What this bill does, that you have before us today, it's a bill that has three financial categories. It has the local tax capacity aid which provides grants for those towns who have low property value per student. The total amount of those grant numbers is \$143 million. It has a state capacity grant which recognizes another issue for towns. There is \$62 million in that. It targets \$250 million to the towns with the greatest demonstrated need. It provides over \$7 million in lower and moderate income property tax relief. There are 27,000 families in this state that have been receiving tax refunds based on the educational tax. So it retains \$7 million dollars. And it has \$16 million in it of transition money to help those towns get from the money they received in '05 to '06 and '07. Transition grants are 85%. But when you look at the spreadsheets, you'll see that the funding for the biennium ('06 and '07), the funding is the same, so the 15% reduction from the '05 grants is spread out over two years. It is not 15% each year. So that's what the plan essentially does.

So this long spreadsheet explains how the bill works, how the plan works, and you'll notice that there are towns A, B, C and D. It has been my observations over the years that when you pass out a spreadsheet with 230 towns on it that you soon lose your audience. So I think what we have done here is identify the four significant groups of towns that exist in this state. Town A, and these are real towns, is a town that will receive no grants. Town A is a town that has very high property value per student, it's a town that has high incomes and you will notice if you go all the way across for Town A there's no grant. But this town was donating or contributing over \$2 million in previous years. So that \$2 million that they used to send to Concord, they are going to get to keep it home. So this is the importance of eliminating donor towns. Towns A and B are towns that fit into the middle range of communities. When we did this bill two years ago, we identified 116 towns that were too rich to be poor and to poor to be rich. Those towns that were in the middle, some of those towns have high property values, lower incomes. Some towns have high incomes, low property values. Most of those towns fall into the southern tier, there are those towns I spoke about earlier that are impacted by growth and other issues. Town D is the poorest town of the state. It's a town that has no property value per student to speak of and very low incomes. So these groups categorize the towns.

The first grants, if you count over to Column 9 it speaks about the per pupil amount. These are the towns receiving \$143 million in total in the state. Town B receives \$512,000. Town B is a town, if you look at the median family income, has \$97,000 median family income against the state average of \$57,000. But this town is property poor because it has less than 50% of the per pupil average for the state. So this town receives a small grant under the local tax capacity aid. This town receives no targeting aid. This town also receives a statewide tax and capacity aid of \$248,000. On a total aid it receives \$757,000 and it's a transition town. Here's a town that has been receiv-

ing money, and a matter of fact they received \$4 million in '05. They'll be receiving \$3.4 million in '06 and '07 and that's 85% of what they received in '05. Town C is another middle range town. It receives no grant because of its property values under the per pupil amount, under Column 9. It receives targeted aid. It receives a very small tax capacity aid. It receives a total aid of \$1.8 million. It also receives transition money. The last town is typical of the towns that fit it, that really fall within the 50% of the low range towns. It receives a grant in all three categories.

Now these grants are based on the assumption that we have one statewide school district. That's how this bill starts out in its development. The reason it's done, is that you are able to look at what the towns are spending with local dollars in a given year. You're able to look at the total valuation in the state. From that you can determine how much money would be raised by the town and you can develop a per student cost. The per student cost is \$4,122. Now 616 when it started out had a student cost of \$4,474 based on the evaluation of tax scores developed by the Department of Education. In addition to the \$4,122, you can add the \$1,816 to get the total if you want to talk about the total adequacy grant. Just over \$6,000. So, I think that what you find is that the state is going to be paying half the cost of total education. All of the towns in the state are compared against the statewide average to see what the fiscal capacity of each town would be, and that determines how you would get a grant. The assumption is, if a town has over 150% of the average property evaluation, they get no grant. If they are less than 150%, they get a pro-rated grant based on where they are in that relationship. That's how those grants are determined.

The targeted aid is based on a percentage of the \$4,122. In the past as we have had targeted aid for free and reduced lunches as an example, we have matched it against the number that we've developed from the test scores. This is 95% for free and reduced lunch, 95% of the special ed. That helps take care of the so-called "double-counting." People feel that people get double-counted, this way this takes care of it because you have a certain number of students who don't take advantage of both plans. So the \$3,916 and the \$3,916 for the special ed and the free and reduced lunch is 95% of the \$4,122. English as a Second-Language is \$1,000, that's a very conservative number. In 2002 the Department of Education did an analysis of what the average costs were for every student in the state for English as a Second Language and they determined at that time it was \$1,700 per student. Transportation is \$190 what we need to recognize that is \$190 for all twelve grades. I don't know about in your town, but in my town most of the high school students drive to school. So most of them are eligible to be transported on the yellow buses, most of them don't take advantage of it, but even the high school students would be counted to the \$190.

The other grant is based on the relationship between the state tax of \$2.84 and the equalized value of the town. This is the statewide property tax. The goal of the House when it did its legislation was to eliminate the statewide property tax. We know how that works. The money is collected, retained locally, spent locally, makes no difference to the individual tax payers. The taxpayers in my town have not known since 1999, unless they studied their tax bill, that they were getting two educational taxes. They got the state tax, they got the local tax. If they didn't have a statewide education tax, the local tax would just be that much more. So the only time we had an issue with the statewide property tax was in the donor towns where those towns had to send part of their tax to the state. This is no longer the case. It does increase the state's contribution.

Now, we as a state have decided that we want property taxes to fund education. And why do I say that? I say that because when I finish my legislative career a year from now, I'll have served under four governors. Two Republicans, two Democrats. All very talented people. All very good governors. All with a different philosophy to some degree, except for one thing, they all pledged to veto a sales tax or an income tax. They got elected on that basis. They got elected by good margins. They got elected by their citizens who said we do not want a sales tax or an income tax. And our choice today is a property tax to fund education. You can't sell more beer. You can't sell more cigarettes, although we were able to increase the cigarette tax enough to fund this legislation to pay for the costs. So we're representing what our citizens have told us to do when we use an education property tax to raise the money that we are going to spend on education. Some of us might wish it was different but it is not going to change. Not until the citizens of this state stand up and tell us to change it. We will be spending in this state in 2006-2007 just under \$900 million in state dollars to support our local education. \$363,000 of that will be the state education tax that is going to be collected locally and spent locally, but it is still a state tax. So I think we need to understand that. \$897 million is about 50% of the total cost of education. The states that we compete with around our neighbors and nationally, that's about what states are spending of their dollars to provide K through 12 education. So we now are with the rest of the states in the Union in stepping up and paying education.

We always will debate how the money is distributed. There is no perfect plan. If each one of us could design a plan for our own town, we would have no problems. But we are talking about 234 towns, including the 13 cities and we have to find a way to treat everybody fairly. We also have to understand what the Claremont lawsuit was all about. It was about taking care of those towns who did not have the resources to pay for an education. So we are doing that, we are paying for an adequate education and we're putting \$250,000 into what I call an "equality grant." That money goes to towns who really need it. I also think all of us want more than an "adequate education." If you look at Webster, adequate means just barely getting by, the minimum amount. We want more than that for our kids. We want a quality education. We are going to spend \$250,000 in this state to bring quality education to the students where it's needed and those are the targeted dollars. So that's why we support this legislation. We do not claim it's perfect but we think it's a good bill. We think it has a chance to live into the future. It's a two-year plan. Because the one problem that our towns have, the way that they have to develop their budgets doesn't fit neatly into the way we operate the legislature. When we first come here in January in a new session, the legislature will have to work on education funding. They'll have to look at the number of students in this state. They'll have to look at the total equalized value. They'll have to plug those into the formula. The first year for their towns is set. They will then make the decision so that when the towns go the next year to do their budget, they will be able to be told what they are going to get for education. That's why it's a two-year funding. We do a biennial budget. We do need to do a biennial budget for our schools, if we want to be able to tell them accurately what they are going to get for dollars. If the legislature decides to change the formula and they get to do it in the first year, when they go home in June they will have done that, still time to put the new formula in place and let the towns know what they are going to get when the legislature comes back in the next January knowing that the towns are going to vote on that budget in March. We couldn't get things done in time this year and our towns, some of them, are under the belief that they are going to get money that they are not going to get because of the bill that we passed that didn't work. The bill we passed last year didn't work this year. That's the current law. If this bill fails, we'll have a current law that will require us to distribute \$50 million that we don't have.

The last thing I want to say about this bill, for the first time since we started this process in 1999, we are no longer putting General Fund dollars into supporting education. As you recall, the first time we started down this road we were coming off a year in which the state had a large surplus over \$120 million. The legislature in their wisdom took that \$120 million and plugged it into the education formula to pay for education. That was one-time money and we have been chasing that money ever since. The last biennium we were spending our General Fund dollars, about \$100 million to take care of that short fall. That's gone now. The \$84 million from the cigarette tax plus the increased revenues that we've had through the normal process has made it possible for the state no longer to have to spend General Fund dollars for education. Education funding will stand on its own without General Fund dollars. Thank you very much.

Rep. Kurk: Thank you Madame Speaker. Thank you Rep. King for taking the question. Could you explain to me what the per pupil adequacy number is, how it is calculated and how it will change in '08 and '09 assuming this formula lives that long?

Rep. King: If you look at your large spreadsheet, you'll notice where it says "state," and these formulas are built on three years previous data because that's as fast the Department of Education can generate the numbers for a variety of reasons, so we're looking at the '03 numbers. There are 200,153.8 students, so 200,154 students in this state. The local tax assessment was \$825 million dollars, that's what the towns spent locally on education. So all of the towns in the statewide school district added together that's what they spent. If you divide those numbers, you'll find that, in order to pay the \$825 million on the basis of the cost, it would take the mythical \$7.19 property tax. \$7.19 property tax generates \$825 million, divide the 200,000 into that and you get the \$4,122 which is the adequacy number.

So that in the mythical school district that really becomes the cost of an adequate education. Now we all know that towns spend a lot more than that.

There is a copy of this amendment from the Senate that's available that spells this all out in detail. But that essentially how the bill is developed. The original 616 got to its adequacy number a little bit differently. What that did was using the test scores of a sample group of towns, towns where the Department of Education actually determined the basic cost of education for all these towns, it eliminated the towns on the top and the bottom. It took a group of towns and on the per pupil basis they were able to say that the costs were \$4,344, very close to this number. This formula

that came from the Senate is a little bit different but it's in that range. That \$4,344 is developed just like we had developed in the past using test scores. The interesting thing about the test scores is that they went up. We used to use 40% to 60%. We now use 60% to 80% because the test scores are better. So we're doing better at least in that measurement in our schools.

Rep. Weyler: Thank you, Rep. King. In a topic as controversial as this I think it's important that we document our work and since the documents you presented are key to your presentation, my question to you is, Will you take two blank copies, put your signature on them and give them to the Clerk so that they can be entered so they can be entered as part of the permanent record.

Rep. King: I'm glad to do that. I still say the issue is if there is language, if there's a technical problem with the language that we discover down the road, you don't want to have the same problem that we had before. So you want to make sure that the spreadsheets are the actual distribution numbers for the communities, if we do have a technical problem with the language in the enrolled bill process, so we don't have the same problem we now have where we have the language of a bill doesn't match the spreadsheets we passed out two years ago. Yes, I'd be glad to do that.

CLERK'S NOTE

The spreadsheets were presented to the Clerk and placed within the bill file for SB 228.

Rep. Dan Eaton: Thank you, Madame Speaker. Rep. King among the many glaring differences between the plan passed by the House and the plan passed by the Senate leadership, there's one that truly stood out to me and I'm wondering if you could help me understand the financial implications or differences? In each and every plan, work done by the House Education or Finance Committee those bills used 2003 figures for ADMR. And I noticed the Senate Leadership plan used 2002 figures. I'm wondering if you could help me understand what sort of financial implication that would make for places like Manchester, Nashua, Berlin, communities along those lines.

Rep. King: My assumption is – I can't tell you why they did that – I can't tell you as you know I did not offer this bill. It's 80% of what my bill was but it's not the exact bill. My answer to that would be that there may be some variation but it will be throughout the state. So I don't think the individual towns would be severely challenged by that. We know property values are going up 8% or 9% probably something like that I guess. I don't know why the differences, I didn't compare the numbers so I can't answer that question.

Rep. Dan Eaton: Thank you.

Rep. Tim Robertson: Thank you, Madame Speaker. Thank you, Representative. This is not a comfortable question to ask and I hope I can word it such a way that it's simple for you to answer. We all took an oath of office to sit here and part of that oath said the state would fund an adequate education. Do you feel we have answered our oath of office by either this bill or the Senate bill?

Rep. King: I believe that all of the bills we heard, including House Bill 100, will meet that challenge because, as I said earlier, the state is now paying approximately 50% of the total cost of education with state dollars.

Rep. Tim Robertson: And where is the state getting the money?

Rep. King: The state gets the money from state taxes.

Rep. Robertson: Thank you.

Rep. Lasky: Thank you, Madame Speaker. Thank you, Rep. King for taking my question. I'm looking at four towns in the southern tier, Londonderry, Manchester, Merrimack and Nashua. I'm just looking at the bottom lines between FY 2005 actual and what the Senate has passed. I would like to know if the student numbers in those towns, and particularly the education aspects that go along with those student numbers that this plan has been based on, has changed so dramatically that warrants Londonderry to get \$3 million less money, Merrimack a million dollars, Nashua \$3 million less and Manchester \$5 million more?

Rep. King: I would suggest that the numbers probably have changed. I think the reason there's a reduction in numbers is because as the formula works its way through those towns receive less aid because they either have 1) higher property values than state average, 2) higher incomes than state average. I think those are the variables in the bill. We're spending essentially the same amount of money. If you look at some of the poor towns, if you look at Claremont, you look at Berlin, you will find they are getting more money. They are getting more targeted money so I think that is the difference.

Rep. Lasky: Thank you.

Rep. Hall: Thank you, Rep. King for taking my question. Thank you, Madame Speaker. I'm not sure my question should properly be addressed to you, Sir, but my question is, Which one of the options before us, 302 from last year and the House plan and the Senate plan, is most vulnerable to constitutional challenge?

Rep. King: I say they are all equally susceptible to constitutional challenge perhaps for different reasons. I don't think that, as we sat here two years ago and you recall that about the time we passed that bill that we had, 608, overwhelmingly, and the Attorney General sent us a letter late at night saying that it was unconstitutional. I think that its always susceptible to a challenge. The issue has been discussed at length during this year and what we are being told is that as a result of a settlement in Massachusetts where the Supreme Court in Massachusetts overruled a previous decision that the Supreme Court had made there on some new information and the fact that our constitution is very similar to that gives the drafters of these bills a sense of security about its being more constitutional. All of these bills that they didn't have before. Case in point, when we first started this process here in this very chamber, those of us who were drafting legislation had a chance to present an outline of our plans to the House. At that time our Attorney General recounted what he had said and warned us about the issues. Since then, as I understand it, the Attorney General now feels comfortable in defending the bills that have been circulating. And I'm being told by attorneys, and I'm not an attorney, obviously, that the reason for that is they think that the court would have a different way of looking at the process. So, we will never know whether they're constitutional until they go to court but I think they are all equally constitutional or not constitutional. I think there are lawyers that can make the case either way much better than I am. I feel more comfortable based on what I've been told as a result of the settlement of the lawsuit in Massachusetts.

Rep. Rowe: I thank the Speaker and the Honorable Representative from Colebrook. The Honorable Representative said the state is paying 50% of the total cost of education. Does that 50% include monies from the federal government like No Child Left Behind, etc.?

Rep. King: No, it does not.

Rep. Rowe: How much money do we receive statewide total from No Child Left Behind and other federal sources and how are they distributed to the cities and towns?

Rep. King: The statistics from the Board of Education indicate that we receive 5% of our cost from the federal government. How those plans are broken down and how they are distributed, some money goes directly to communities, some money flows through the Department of Education. I can't tell you, but 5% of our cost of education is paid by the federal government. About 50% is paid by the state and the balance is paid by local tax dollars. Those are the statistics that I read off my little card which I've since replaced, if you can believe that.

Rep. Rowe: Thank you.

Rep. Elizabeth Blanchard: Thank you, Madame Speaker. Thank you, Rep. King for taking my question. Yesterday I picked up a complete spreadsheet and the one you've been discussing today with the four towns, I don't want to say hypothetical towns because you said they are real towns, on it have 2002 figures. This one has 2003 figures. Can you explain the discrepancy?

Rep. King: This is another version of the bill. I believe it's the bill that the Senate considered first last week and took no action on. There are thousands of spreadsheets floating around. The ones we are discussing today are the two in the backroom. Those are the two. So that is a previous one that was acted on in the Senate. House Bill 616 is the bill that is the villain in this. 616 was the first bill introduced in the House, the Education Committee and it became the bill that was amended and amended and amended and amended and amended.

Rep. Alger: Thank you, Madame Speaker. Thank you, Representative for taking my question. Representative, you mentioned early on that this bill now includes the low and moderate income tax relief that we've had for a number of years, I was delighted to hear that. I presume that was a Senate amendment, wasn't in the House bill as I understood it, and my question relates to the fact the \$7 million – is that about the same amount we had before and is the same formula, so the people use the same formula as we've had last year? Thank you.

Rep. King: The formula is very similar to what's been used in the past. That portion of the bill that was in 616 originally distributed about \$143 million through this part of the bill. It's pretty much what the Senate does. There are some modifications but it is essentially the same bill, with just some tweeking along the way.

Rep. Alger: You mentioned \$7 million was allocated this year for this bill and as I understand it, am I correct that is about the amount we had to use the last couple of years?

Rep. King: Are you talking about the tax relief?

Rep. Alger: I'm talking about the tax relief, that's all I'm talking about – the tax relief.

Rep. King: Yes.

Rep. Alger: It's the same formula?

Rep. King: None of the House bills had property tax relief in them because they didn't have a property tax. So, yes, the property tax relief in this bill is actually a little bit more than we've been distributing in the past.

Rep. Cady: Thank you, Madame Speaker and Representative King. Rep. King, I think all of us here agree that we need to fund education but we also know the impact on our people in our town when – I think we all know we need to fund education but when this House and that Senate takes an action that will in this bill cause my town to immediately raise the taxes approximately \$1.00 per thousand and in the four towns that I represent only one will not have that impact, how do we help our citizens to be actually be taxed fairly when we keep changing it on them when they have already voted a budget in March? We must come up with a bill that will not change it after the fact of the vote in March if we are properly doing our duty. I would like to see your committee somehow fix it so that we don't raise the taxes without them even having a chance to speak.

Rep. King: I agree with your sentiments, and as I tried to say earlier, that is the reason this is a two-year funding bill is to allow predictability going forward. It's unfortunate that the bill that was adopted by this House and by the Senate two years ago, the language didn't match the spreadsheets. We find out now that we're committed to spending considerably more money than we anticipated. I know that when I went to my school districts before the March meeting, I told them there is a problem with educational funding, my recommendation is you budget what you are receiving now, not what the state's told you you're going to get. The Commissioner was required to send out a spreadsheet by November 15th. If any of you have ever seen that spreadsheet when he sent it out, he said this is what you are going to get, but he said look at the footnote. If you read the footnote, what the language interprets in the view of some people is, that the total obligation this state has under the current law is \$49 million. Now, obviously that was not the intent. The other extreme is to commit to \$50 million more than we intended. There's flaws in the language. That's why Rep. Weyler is concerned about that happening again. We have to make sure, because we look at the spreadsheets, we go back home and say this is what you are going to get. We have to make sure that happens. It's unfortunate that it happened but the bill passed and that's the situation we have. I think that has exacerbated the problem we already have as we try to target more money. That's why there is a hold harmless in there to try to stop the cliff effect. Because every time you change a bill you have a cliff effect. Everybody has to vote their conscience. Some people are going to get more money, some people are going to get less when you change the formula. That can't be prevented. We do need to be able to have some predictability. I think this bill does that by funding it on a biennium basis.

Rep. David Campbell: Thank you, Madame Speaker. I thank the honorable Representative, the Chairman of the Finance Committee, for all his thorough explanations today. I'm from Nashua and out of the Senate passed bill, Nashua doesn't do very well. Under various formulas and depending on other different versions of the bill, other towns and cities either did well or did not do well and we're often forced to vote what's best for our communities. You touched on this a little bit on this in your remarks and this is a simplistic analogy but I liken it to the fact that there are 234 school districts, say 234 one-gallon buckets, we've got about 180 gallons of water to fill them. So matter no matter how you slosh the water around, somebody's bucket is going to be short. Would you agree that what we ultimately have here is a revenue crisis and a lack of water to fill the buckets?

Rep. King: I think I tried to make it clear, I don't agree that we now have a revenue crisis. I think that if the State of New Hampshire pays half the cost of education which this bill does, granted using a state tax – called a "state education tax or a state tax", which some of us would rather replace, but I tried to explain that that's the choice of the citizens. You add the \$383 million to all of the other money we are putting in which are true state dollars raised in different ways, we actually are paying half the cost. I think that's adequate and I think that on a statewide basis we no longer need to apologize for what we are spending on education. Thank you for your question.

Rep. Peter Allen: Thank you very much, Madame Chair. We are asked to affirm that about \$4,100 would fund an adequate or satisfactory education. At this time in history, \$4,100 is

less than half of the average cost of a public education in New Hampshire. Is this how little we cherish public education? If we vote this bill down, I gather that an equally inadequate funding plan would take effect. So we have no acceptable choice. My oath to uphold the New Hampshire Constitution was solemnly sworn. I find that I must regretfully and respectfully abstain from voting and I will abide by the rules of the House and leave this chamber when we enter the voting mode.

Rep. James Garrity: Thank you, Representative for taking the question. You did make the point that \$4,100 is about 50% of an average cost of an education, but didn't Rep. King just tell us that the state portion of an education is about 50%. So you've got \$4,100 that the state puts in, about 50%, and the locality picks up the rest. Isn't that what he said?

Rep. Peter Allen: What is the question?

Rep. James Garrity: Do you think that the state needs to pay all \$8,200 of an education and the locality pay nothing?

Rep. Peter Allen: I believe that the courts found that the state is responsible for funding an adequate education for every student in New Hampshire.

Rep. James Garrity: Thank you.

Rep. Carter: Thank you very much, Madame Speaker and distinguished members. I prepared a four minute speech for today and then I took out all the inflammatory language and the sour grapes, so I'm left with a two minute speech, but I do believe it is an important two minutes. The funding plan before us now has two serious deficiencies. First, the targeting formula does not use median household income as a factor. And because we pay our taxes from our incomes and not our property values, the funding formula may not fully claim equity without claiming income as a factor in its workings. The funding plan before us does use median family income as a type of circuit breaker as opposed to a targeting factor, along with equalized assessed value per pupil. If a community has 150% or more of the state average, it loses all targeted aid eligibility. On the flip side, a community with 149% of the state average enjoys all of the targeting benefits of the plan in equal proportion to the poorest communities of the state, while its ever-so-slightly better off neighbor, the neighbor with 150%, gets nothing. The House worked diligently on its version of House Bill 616 and it is the better plan. The actions of the Senate were disappointing on both sides of the aisle. If you put it in software industry terms, we sent the Senate education funding version 2005. Instead of upgrading it, they sent us back an old operating system version 2002. But, and it is a big but, we did get half a loaf from the Senate and for today the half loaf is nourishment enough. Now some have said that, well, that I'm inflexible at times. But I don't have to be hit in the head with a brick to see that when it comes to education funding, a committee of conference would give too much power to too few people with too much bias. We should concur with the Senate amendment to House Bill 616. Thank you.

Rep. Mirski: Thank you, Madame Speaker. On behalf of the alliance and the recommendation of today's pig shoot, that is mainly what I would like to speak to. We have been opposed to the imposition of the statewide property tax since the very beginning and haven't changed that position with respect to the inequity which we believe that tax imposes on the people of this state. It is something which ultimately needs to be removed. And so the recommendation that we are making today to Republicans in particular was to nonconcur and go to the committee of conference. However, some things have changed since the time we prepared this recommendation and I think they're significant. At today's Republican caucus, there was absolutely no objection raised by anyone in leadership with respect to advocating the removal of this tax from the books next year. For my sense of it is that we should have support among Republican leaders in this House for getting rid of this tax beginning next January. So I will tell you that there will be bills, I'm sure that there will be more than one bill, but there certainly will be one bill which will aim to do just that – to get rid of this tax.

If folks who have been here a while will remember shortly after we enacted or continued the statewide property tax as part of the budget bill about four years ago, a significant number of Republicans on this side and all the Democrats voted to repeal the statewide property tax and we did so in this House. At that time leadership was not on board. So this time the situation has changed. I think that there is universal dislike of this tax but at this point in time, we have a commitment on our side I think to work hard next year to get rid of it permanently. I think the stars are in alignment. I would like to invite all Republicans to support the motion to concur on 616 with the idea that we will get busy and fix this terrible tax permanently next year. I think we have an op-

portunity to do it, we ought to act on it. We should accept 616 as it's been given to us. I agree with the member from Peterborough that sending it to committee of conference where a great deal of mischief could occur would be a bad thing. So please concur with the recommendation and let's get on with it. Thank you.

Rep. Pratt: Thank you, Madame Speaker. I don't think I've used that term since Rep. Sytek was in the Chair. It's good to say it again. Madame Speaker, a long time ago it seems now, when I got here one of the elder members of this House, and I think it was the then gentleman from New London although I could be wrong, said when it comes time for committees of conference, there's one thing that you have to remember above all, "keep your eye on the ball." My colleagues, let's begin by asking what it is that we're being asked to vote on. The question is "Shall we give up the position of the House which we passed in 616 because it is inferior to the position which the Senate has sent us in their version?" That's the issue. Have they given us a better bill than we gave them. All the rest is kind of whatever, but that's the question. My colleagues, I think if you look at the one spreadsheet that for whatever reason we don't have, almost none of them I've seen have, and that is this one which has four columns in it. The first two columns are the amount of money each town will receive under 616 as passed by the Senate and the other two columns are what each town will would receive from 616 as passed by the House. Line by line you go right down and when you look at this, one thing will become absolutely clear. The difference between the House and the Senate version, in the Senate version the rich towns get richer and the poor towns get screwed. I might get called to the well, I got there once before for using inappropriate language but that's exactly what happens. Take a look at this. The House gave the town of Amherst, \$2.2 million, the Senate gave them \$3.4 million – plus 1.2 million.

At the same time, Bedford – the House gave \$1.5 million, the Senate gives \$2.8, up \$1.3. Berlin, ah, poor Berlin – the House gave \$10.1 million, the Senate gives \$8.6, down \$1.5. You can go through this town by town by town and you're going to find rich towns get more and more and more, and poor towns get less and less and less. And why is that? Why is that? Because the House version went through a public process. It went through a committee process. It was, as the Chairman said, it was a bipartisan product and represented then the best that we had to offer. I disagreed with it on constitutional grounds but it targeted aid in a fair and equitable manner. The Senate version, which unlike the House, was not passed in a nonpartisan or bipartisan manner, but was instead the version of 13 members of one party opposed by all 8 members of another plus courageous members of the majority. It was a totally partisan bill that did not go through the public process, that never saw the light of day and that gave in to special interests. Now, I know, as it happens that there is a little partisanship here. I apologize for that. It is a fact that all the representatives from Amherst, and all the representatives from Bedford, and all the representatives from Hollis except for one I think, and from Seabrook, and from Windham happen to come from one party. It also happens that most of the representatives or a good many of them of the towns that lose in the Senate version came from Winchester, Berlin, Claremont, Charlestown are bipartisan representatives. So there isn't any question that this bill favors the rich and screws the poor. We may want to do that but I hope not. I think the better angels of this House were expressed when we passed 616. I think it's a good bill and for the life of me I can not understand why we would recede from a better bill for a worse one. This is partisan politics at its worst and I think I will frankly state, I think the Senate, and I'll give them credit for this, Senate leadership snookered the Governor last week, and is doing a heck of a job to try to snooker us today.

Rep. Calli-Pitts: Thank you, Representative. Would you believe that I have two technical questions and one is that, I'm looking at a sheet here and I'm looking at the figures, I'm not happy with all the figures but I've been told that on this sheet there is a donor town. And my belief was that one of the things that we were to do was to eliminate the donor towns and I can't find it no matter how hard I look which leads me to distrust the rest of the numbers. So, can you point out to me what I am not finding?

Rep. Pratt: I don't know which sheet you are referring to so I can't say. I do know that the one donor town left as I understand it is the town of Hebron.

Rep. W. Packy Campbell: I thank the good representative from Walpole for finally getting behind the House position. I wish you were with us when we passed it out of the House. I would like to point out a few things about your eloquence. In general as we maybe snookered the Governor, if that bill had passed, the very statements that you are making today would have been 100% correct and actually exemplified much worse. Having been involved in this process, I want to ask you if

you are aware that in looking at this bill as passed by the Senate and the House bill as we passed, that the 60 poorest towns for EAV lose \$8 million, you are absolutely correct. The Governor's version would have been better than twice that number. I'm glad that we passed a bill that I feel represented the principles of this House. Are you further aware that the top 60 towns in the Senate passed version actually lose \$2.8 million versus the House passed version? Would you agree that it is responsible for this House to look not at the individual anomalies that we can all sensationalize, but look at the general principles behind the bills and agree that this bill gets more money to lower, poorer towns and less money to the richer towns?

Rep. Pratt: Let me see if I can try to answer that if I understood you correctly. Because you are far more of an expert on this than I am. I thought that I heard you say that you agreed with me that in the Senate version, the 60 poorest towns do worse than they did in the House version. Was that what I heard you say?

Rep. W. Packy Campbell: What you heard me say was if we were not able through what I consider a minor miracle to pass a different version in the Senate which up until Wednesday of last week looked like we were getting a very different version, we would be in a much worse position. So what I'm saying to you is \$8 million over 60 towns is acceptable because percentage-wise the spirit and the principle of the House position is intact.

Rep. Pratt: First of all, don't look to me to be a proponent of the Governor's unconstitutional plan because I never have been. What I'm here today to say is in the choice that we are being asked to make that's what this vote is about. Do you concur with the Senate version or do you refuse to concur and hold to the House position? There isn't any question in my mind, Mr. Campbell, that your version is far superior to the one that the Senate sent us. You are quite correct that the lower towns lose in the Senate version and if targeted aid has a purpose it is not in my judgment to target it to the rich. It ought to be to target it to those where there is most need. I think that at least comes moderately close to a constitutional requirement.

Rep. W. Packy Campbell: Would you believe as someone who as you just pointed out, has been actively involved in this process that I do agree with you that it is black and white. However, the black and white answer is that this is a good bill from the Senate. It is consistent with the principles that we passed, it is consistent with the principles that I fought for. It does have an 85% transition which the House passed bill did not have. We accept that. It is not the 90% transition that we would have been stuck with. It's a movement in the front direction and I would ask you to believe as I believe and I would ask all the members to believe that this is a good bill and it's time to concur and get this behind us.

Rep. Pratt: I'll take it as a question, Madame Speaker, and I will only respond to my distinguished friend, that the issue isn't whether this is a good bill, which I don't think it is but that's a matter of opinion, the issue is which is the better bill that's what questions of concur or nonconcur are about. A or B. And the House passed the better bill. Believe in yourselves. Trust your own judgment, for God's sake, we worked for months on this thing and then the Senate came out of the closet and brought us something that has never had a public hearing, never had any bipartisan ship, trust yourselves and do the right thing.

Rep. Dunn: Thank you, Madame Chairman. Members of the House. I rise to ask you to support the Senate education funding plan. I have three reasons for asking you to do so, but first, I ask you not to vote based on a spreadsheet, but more, vote for the policy that the Education Committee set up. My reason for saying that is really pretty simple. This plan encompasses an entirely new approach to funding education. The bill we pass, concur with today, is not going to be the final word on funding education. We will be at this and at this and at this until we get it right. I was on the subcommittee that wrestled endlessly with the intricacies of funding. We worked many long hours across February and March. On a Saturday morning early in March after leaving Concord late Friday night in a snowstorm, I had a telephone conversation with the chairman of the subcommittee. We were scheduled to meet that morning at 10:00. I told him that I had ten inches of snow in the yard and that it was still snowing hard. He said, "Oh, you Democrats,." But we took that Saturday off. We did work hard and it was after a fashion a completely bipartisan effort once we worked out the philosophical principles. The Senate bill maintains all of those principles but one. That one is the abolishment of the statewide property tax. As far as I know, the Education Committee was unanimously opposed to maintaining the statewide property tax, as is the Governor. Many of you use that in your campaigns to be re-elected. I and others on the Education Committee can accept that now, that is, accept the tax now, because it allows the state to do some-

thing our committee and the House Finance Committee could not find the money to do which is to fund a property tax relief program. Any education funding plan will financially penalize the poorest of our property owning citizens. This plan with the statewide property tax helps to protect them. That's an important feature.

Now to my other reasons for you to support this legislation. First, it meets the courts guidance delivered in Claremont II. Statewide property tax money spent locally is state money. There is only one donor town during the first year of the program. There are no donor towns in year two. Second, the state plan distributes \$12 million more than any other plan that has been on the table during this session because of the statewide property tax. Additionally, it makes several million dollars available for the poor who are most adversely affected by the statewide property tax. Third, although not every community gets more or even the same funding as in the past, the spread of money is more equitable than in past plans. Meaning that the poorest communities get a little fairer share of the scant money available for one of the most important institutions in our free society. Thank you.

Rep. Vaillancourt: Thank you, Madame Speaker. Sure, you have to tell them that there are seven left just before I get up to speak. Isn't that the way life is. No, I'm not going to ask for a quorum call. I rise to speak in favor of the motion to concur with this and I'll do so on three grounds, or discuss with you three grounds: politics, constitutionality and fairness. I think the three most important words that we can consider as we do our deliberations today are "compared to what." Is this bill perfect, obviously not. Is it good? Compared to what? Well, compared to the House bill is what we are really dealing with today. And unlike the Representative from Walpole, who used an equal amount of passion several weeks ago in opposing the House version, unlike the member from Walpole, I think this is far superior to the House version which I also opposed with passion. I'm not going to speak passionately today because I think what we need is a rational discussion of the issues this afternoon. I think the Finance Committee did a very good job in putting forward the parameters of the bill and the arguments for it. So from a fairness point of view I will come at it from just a slightly different perspective. But first I want to discuss the politics of this. Remember the House bill passed by a margin of three votes. Since then we have learned that no fewer than five members of this House, who were against the bill, voted for it simply so they could be on the Committee of Conference. So in other words it would not have passed, if the House members really had voted the way they felt about this bill. That would have been a good thing because as I said several weeks ago the House version is a travesty. It's an exercise in deceit. It takes a statewide property tax that right now jiggers around \$22 million and would have established a statewide property tax that we did not want to admit was that, but instead transferred \$125 million. It gave somebody an excuse for getting away with that. So the House bill was a terrible bill. It was unconstitutional. As I look at it, it wasn't really passed by this House. As I told the Senate Finance Committee, I didn't have to vote for the House version that I disagreed with because I never expected to be on a Committee of Conference anyway. So I was unencumbered by that revelation. So as far as I'm concerned the House does not have a position in favor of that bill that passed. Now the second political point has been referred to here today by many speakers and I will quote one of the Democratic leaders from the Concord Monitor, "Yet another backroom deal between House and Senate Republicans." Well, that patently absurd. This is not a backroom deal. This is basically the same plan that was law two years ago. It's basically, what was it? 302? It's almost exactly the same thing. So, it's not a backroom deal that was never screened publicly. This is the plan that we passed two years ago that we wavered on last year only when the Attorney General, Mr. Heed, at the time, sent a letter suggesting that he may not be able to defend it. Again, it again comes down to "compared to what?" Compared to what he wanted last year, we knuckled under because we thought it was unconstitutional because he told us that. Compared to what now? Compared to a governor's plan which is clearly unconstitutional. Compared to the House passed plan which to me is clearly unconstitutional. Compared to what? What we have today is a bill that was in effect, was never challenged for constitutionality, so was in fact constitutional for the time it was in. Now you know me, I'm one of the people who believes very firmly that we should be concerned with the constitution. I voted against the House passed plan and I spoke against the Governor's plan because I was convinced that it was unconstitutional. And I'm not going to deceive you today. This bill, I ask you to concur with because I think that it is marginally constitutional. I think that it could possibly pass constitutional muster. I think that there is better than a 50-50 chance. If I were a justice and this came before me, after listening to the arguments, I would personally rule that it has problems. I think that it is important that you hear this and I've told Senator Gatsas this. I think that he is aware of this and probably the senators who voted for it are aware of this as well. This bill in

establishing a \$2.84 statewide property tax in my view still creates several donor towns. Now, we've mention the one, that's Hebron. Another one as far as I'm concerned is Waterville Valley. But what this bill does is says that we are going to forgive from being a donor town as long as you spend as much as you can raise with that \$2.84 for education. That means that Waterville Valley, for example, avoids being a donor town by spending about \$27,000 per student. If I were a justice I would say that's not constitutional that Waterville Valley is allowed to spend \$27,000 per student when the state average is about \$8,000. What I would have done would have been to cap this and say you become a donor town if you can raise more than the state average, the rest of that you make them a donor town with. That would have created about eight donor towns, Tuftonboro, Center Harbor, Moultonborough, Waterville Valley ... and it would have transferred about \$6 million as opposed to the \$22 million we did last year and the \$125 million the House plan presupposes. That's my feeling. But I'm not a justice and I'm honest enough to say that although I feel that way, I think the justices may rule this constitutional, so I can go along with it. Further I don't know if it is ever even going to be brought before them because, and this is where we come to the fairness. Comments from my friend from Walpole notwithstanding, this is the fairest bill that we have ever dealt with in this House. The fairest bill since I've been working on this for eight years and was on that Division IV with the Representative from Weare when we started dealing with this problem shortly after the Claremont decision. We started to wrestle with how we were going to come up with fairness. Now, in all these spreadsheets you've been given, I want to just deal with a couple of averages for you. This spreadsheet talks about median family income in this state at about \$57,000. It uses that to determine which towns can then become eligible for targeted aid. In doing that it only eliminates four towns, as I understand it. They would be Bedford, Hollis, Windham and Amherst. So that's probably a pretty good indication of wealth. Unlike the Governor's plan it does not use that average income built into the formula for what you get. It does what we have done traditionally in the House, it uses free and reduced lunch as that chit that determines how much you will get. So, although it uses that \$57,000 to determine whether you make the threshold, it then uses free and reduced lunch. But let's keep in mind that \$57,000 state average. The second average that's important is the equalized valuation per pupil. The state average there happens to be about \$573,000. What I suggest you do, everybody talks about looking at spreadsheets and everybody tells me, "Oh, you're for this plan because you're from Manchester." That's not true. I was against the Governor's plan even though Manchester did better in that than it does in this. I'm for this plan because when I get a spreadsheet, I don't look necessarily first thing on how my town does, but I compare those averages. Let's just take two towns and run them by you to give you a comparison. Let's take Londonderry and Derry for example. I've given you those two numbers, \$57,000 state average income, \$573,000 state average equalized valuation per student. Keep in mind one other average, \$2,278 is the amount this plan gives to the average student in the state. I get that figure by dividing the total amount targeted, \$456 million (that is before you talk about transition grants) divided by the 200,000 students in the state comes out to be, as I say, \$2,278. So, now it's important to see if your town gets above or below the \$2,278 and then let's try to figure out why on a fairness ratio. And again, let's look at Londonderry and Derry. Londonderry, average income \$73,000. That's 27% above the state average. Obviously, when you come to free and reduced lunch students which is going to be a factor in determining your targeted aid, Londonderry is not going to fare very well there since there are not a lot of poor people there. So, keep in mind \$73,000 their average income. Their average per pupil equalized valuation is \$458,000 which is \$100,000 or more below the state average. They've got approximately 80% of the state average. So on the one hand they are 27% over the state average and on the other hand, they're 27% under. So what does that mean for their average student? Londonderry gets \$2,262 for the average student. That's almost exactly what the state average is. Almost exactly. And doesn't it make sense that it would be almost exactly, if they are 27% over in one category and 20% under in another category? That points out the equity of this system. Let's go and look at Derry. Remember the state average per student is \$2,278. Derry has a state median income of \$61,000 which is about 7% over the state average. But on the equalized per pupil valuation there is \$342,000 which is 40% less than the state average. So you think Derry should get a big boost. Fairness would indicate that and, in fact, they do. They get \$3,634 per student or about \$1,400 more than the state average. So, it's fair that Derry get more and Londonderry get less. Shall I run through Nashua and Manchester with you? Now a lot of people say, "Oh, Manchester gets a lot more." You know the reason Manchester gets a lot more in this? Can I use that word screwed? Because we were severely injured in the formula passed by this House and Senate last year in that dreadful committee of conference negotia-

tion. That's one reason going back to "compared to what?" that I would not use a committee of conference. You never know how you're going to be "fill in the blank" by a committee of conference. Compared to what we have before us in the Senate plan today, compared to what we might have, this is a wonderful plan. Not because it benefits Manchester, but because it's fair. Before I go to Manchester and Nashua, let's talk about Berlin. They talk about poor Berlin being hurt by this. Absurd. Berlin gets almost \$6,000 per student in this plan. Almost three times the state average. And they deserve it because Berlin's average income is \$38,000, as opposed to \$57,000 statewide average; and their equalized valuation is \$205,000 per student, much less than half of the state average. They deserve the \$6,000 per student. But do they deserve \$8,000 – \$10,000 as the House plan passed? Of course not, because they aren't even spending that. They don't deserve more than they are spending. Let's be serious. Another problem with the House plan remember, we gave Portsmouth, which went from being a huge donor town, we ended up giving them \$1 million. Absolute insanity in the House plan. This plan is fair. It takes into account the average per student based on average household income and average per equalized valuation per student. Manchester, for example, has \$458,000 equalized valuation per student, \$100,000 less than the state average and the Manchester average income is \$50,000, or \$7,000 less than the state average. So what you would ask is Manchester getting per student. Well, they have 20% less in equalized valuation per student. They have 15% less in average income per student and they are, in fact, still not getting the \$6,000 that Berlin is getting. But they are getting \$3,142 per student, about \$900 more than the state average. It makes perfect sense. And for all of you injured Nashua people, Nashua has \$61,000 per income per family, \$5,000 more than the state average, and it's equalized valuation is almost exactly the state average. So taking those two factors into account you would think that Nashua might get slightly less than the state average and, in fact, they are. \$1,850 per student as opposed to \$2,278. If this plan, Madame Speaker, were built strictly for Manchester, and this is the second quibble I have with it, but a quibble I'm going to disregard because it's brilliant other than these two quibbles, the first being the potential constitutionality. If this plan were built just for Manchester, would it have only \$1,000 per student on ESL (English as a Second Language)? Now, according to this plan, in the state there are only 3,000 such students, 37% of them are in Manchester. If you were building a plan to benefit Manchester, you wouldn't count each ESL student at a mere \$1,000. You would count the same way you do for a Special Ed student at \$3,916. By not doing that, Manchester gets \$4 million less in this plan than it otherwise would have. Nashua would also benefit if you counted ESL at the full weighting because they have a lot of English as a second language students well. They would get an extra \$2 million in this plan. But while I have a quibble with that, while I think ESL deserves more consideration, I have been told by a member from Londonderry that a lot of those big federal dollars we get goes toward ESL so you shouldn't ask for much more. We don't ask for much more with this. We're asking a paltry 25% of what you're giving students with ADMR free and reduced lunch. So compared to what? Madame Speaker, compared to the Governor's plan, this plan is brilliant. Compared to the House passed plan, this plan is brilliant. It is fair to towns as I've just gone through with you. And you can do this with every town. Do it for Merrimack. Do it for Hudson. Sure, they come out less than they did with last year's plan, but they don't get destroyed as the House plan would have it. For those of you who think as the speaker from Walpole said that oh Hudson and Merrimack do rather well with this plan, remember, there is only the possibility of losing only 15%. For those of you who want Bedford to get hurt, come back in four years because they get nothing in four years when this plan is fully phased in and they don't deserve it if you look at the numbers again and find that they've got \$91,000 as opposed to \$57,000 average income or equalized valuation is about \$140,000 more than the state average. This plan is fair and I ask you to concur with it. And I won't speak anymore.

Rep. Shaw: Thank you, Madame. Representative is it true that median income is calculated based on all the people in a city divided by the overall income, so that a place like, say Manchester, counts its prison population in calculating median income, its college students as part of calculating median income and also any residents of the juvenile detention system in calculating median income, is that true?

Rep. Vaillancourt: I do not know the answer to that question and I'm not going to pretend that I do. But even if it were true it wouldn't skew median income all that much on a city with 107,000 people.

Rep. Kennedy: Thank you, Madame. My fellow seatmate and honorable rep, you're a very good man with numbers. Some numbers have just hit me and I'm very unhappy and perhaps you can

clarify them. I received outside on the desk the thing that said Fiscal Year '05, Actual Senate '06, '07. I looked at it determining how I was going to vote. One of my friends who happens to be a Democrat had another set of figures and I looked at them and they were entirely different. The figures that they had were those of the House passed for 6 and 7, and the Senate passed in 6 and 7. The difference to my towns are remarkable. What I would like to know is why in the name of God can't we have actual figures that explain what's going on so I don't have to, as a good right-wing Republican, reactionary, I have to go talk to a liberal Democrat to find out what the hell is going on. I am disgusted.

Rep. Vaillancourt: Well, there is always the battle of the spreadsheets and you have to be careful what you are looking at. I have several in front of me now. This plan by the way is not simple. As I said on the House floor last year, the simpler you get, the less fair it's going to get, because life is complex. So, this plan is complex and I think the Finance Committee Chair walked you through the complexities very well. But look at Hopkinton, I assume that's the town you're from. The education funding plan according to the plan that we are looking at today, on the Senate side is \$1.6 million for '06 and '07. The Governor, Odell-D'Allesandro plan was less than that at \$1.4 million, and the House plan I don't have in front of me at least in that spreadsheet. Maybe it's in another one. So, I can't help you with what the House had given for Hopkinton, but we can look at Hopkinton. And again, this is a good example because it would allow us to run through another example to see if my fairness application worked. Hopkinton has about \$12,000 more income per average family, however it has about \$60,000 less equalized valuation per student then the average family. So, I would guess that Hopkinton is going to right around that state average of \$2,278 per student. And I look at Hopkinton with 1,000 students getting, how much? Well, this should be done individually not waste the time of all of us here.

Rep. David Smith: Thank you, Madame Speaker. I have three promises, I'll be brief; I won't bore you with numbers, and I'll take no questions. I am from Nashua and everyone is going to say he is against this bill because Nashua is not getting what it perceives to be its fair share. A colleague of mine earlier made the comment, "Keep your eye on the ball." I think most of us when we ran for the House last fall campaigned on the basis of trying to put the education funding problem behind us. To put together some sort of a plan that was meaningful, that was permanent and that was going to answer solutions. We have three or four speakers all allude to the fact, my friend from Enfield, other people who have commented, that this is still another interim plan. We'll be back here before two years from now planning again. The people of New Hampshire are overburdened by property taxes. This adds more property taxes to them. When you go home tonight and you drive by schools, think of those schools and think of under-funded programs they have. See the temporary classrooms that are outside and realize that school districts don't dare to make commitments because they don't know from one to two years to the next, how much money they are going to be getting from the state. I don't understand the funding formula. I attended a good number of meetings earlier in the year. I asked for definitions, how things were arrived at and I was never satisfied. What we have heard today is a discussion of income or cash distributions plans, they are not plans that deal with education where the student is the primary focus. We've had two plans put before us where the primary thrust was the student. The Lynch plan and the modified Lynch plan in the Senate. Those are not before us unfortunately. But to sit here and talk about numbers, comparing one town to another, who's getting the better deal, who's not getting a good deal is really almost irrelevant unless you're looking at the student who we truly should be thinking about. Thank you. Thank you, Madame Speaker.

Rep. Flockhart: Thank you, Madame Chair. Honorable members. As a teacher for over 36 years, I have learned that children learn best when they're totally involved. When they are involved mentally, physically, socially. What they also learn more importantly is respect. As those involved in their education make them part of their own learning in that process they recognize and respect their needs as children. We as legislators took the charge to revamp educational funding seriously. Hours, and hours, and hours have been spent in committees and briefings. Education funding is New Hampshire's way of saying how seriously we take the future health of this state. It's the absolute best investment we can make. The process by which this amended plan comes before us today saddens me both as an educator and a legislator. My disappointment is more acute because once again children lose in this equation. It is however with great conflict that I will concur to avoid greater damage to New Hampshire's finest resource, its future, its children. Thank you, Madame Chair.

Rep. Phinizy: Well, thank you very much, Madame Speaker. I also thank the hundred or so very resolute people who are still in the chamber and still willing to listen to the discussion regarding school funding and education funding. Six years ago, seven years ago, I came to this House. Six years ago, seven years ago nothing has changed. Six years ago nothing has changed. I look at what we have today and I see that the three towns that I now represent in the Senate plan, one town loses and two towns benefit. I look at six years ago when I represented six towns, two towns lost and four benefited. Back then I made a pledge that I would not vote to throw two towns or one town out of the lifeboat. The state right now is a lifeboat and what we're being asked today is to sit down and take certain towns, generally the rural, agricultural towns, the agrarian towns, the towns with the smallest tax base and throw them out of the lifeboat. What we're doing is we are basically funding education on the backs of property, we are funding education on those individuals who can least afford, by and large, the ability to pay for the education and what we're doing today is continuing to fund an education process that simply goes along and continues to not address the realistic issue. There have been members in the House today who have spoken very clearly and very emphatically about the question of proper and adequate revenue streams and until we face this problem and we face it properly, we will continue for the next six, seven or eight years to do the same thing. So, I would ask you to vote to nonconcur and I would ask you to vote to turn down once again what is truly an inadequate education funding program. I gave an oath to all the towns that I represent to support them equitably and fairly and I will continue to do that and until such time as we face reality and until we such time as we not continue to do the wrong thing and until such time when we finally realize that we have to look at the proper way of funding this, which would be an equitable income stream which would be an income tax and until we realize that we are penalizing those people, particularly in the smaller counties and towns that can least afford this, we are being totally, totally misled. So I recommend that you turn this program down and I thank you very much for time and consideration.

Rep. Bicknell: Thank you, Madame Speaker. We have heard from many, many people and I'm one of the infamous seven, unfortunately I'm not in Congress. Anyway, Madame Speaker, members of the House, I'm not going to go into figures with you 'cause figures and I don't get along. Math was not my strong suit. History was. This, however, to me, House Bill 616 is a no-brainer. You've heard it before from other members on both sides of the aisle that all this will do is put it back into a group of five or six or seven or eight who will then do what 400 couldn't do. I kind of shy away from something like that. We've heard that the Governor, or least I have heard that the Governor, wants to do away with the SWPT (statewide property tax). We have heard that some of my friends on the right side of the aisle want to do away with the SWPT. Some Democrats, or Republicans rather on the other side of the aisle also want to do away with it. I personally want to do away with it. Organizations who are affiliated in one form or another such as the NHHRA want to do away with it. Yet, this bill that we are going to be voting on today retains that SWPT. However, it does go a step further and it does away with the donor towns with the exception of one. This in essence to me, as one other representative pointed out, is half a loaf. And I don't know about the rest of you but if you're real hungry, a half of loaf is a heck of a lot better than no loaf. That's the way I'm looking at this bill and that's the way I'm asking you to look at the bill. It's a start. Next session, next January, next September, whatever, you have heard leadership say they will work on getting the right formula and the right bill forward. And I say this is a start, this is a start to bring us forward to the constitutional Article 6, where the towns have control of their funding in education. I therefore ask each and everyone of you to vote to concur. I will not take any questions for brevity's sake. Thank you, Madame Speaker.

Rep. Tupper: Thank you, Madame Chairman. Members of the House, I rise today and I wish to address you on what, to me, is more than an adequate flaw in this bill. In all the previous educational bills that were presented to this body, what is "adequate education?"

Where is the definition of this? I can not support nor will I vote for concurrence of House Bill 616. So I commit my vote from a passionate belief that the education our state supports is more than mediocre, and that I must know the true definition of "adequate." Therefore, I can not vote for this bill. Thank you and I will take no questions.

Rep. Hess: Thank you, Madame Speaker. My friends, if this House had \$472 million with which to forge an adequate education funding bill before we passed it to the Senate, I am personally, absolutely convinced that we would have forged a bill that would have had substantial majorities in both the Finance Committee and the Education Committee and would have gone to receive a

substantial majority in this House. But we didn't think we had \$472 million and as a result we went through some of the most acrimonious debates we have had this session over a whole afternoon involving upwards of dozen roll calls. The final margin was a mere three votes. The bill that comes to us from the Senate today is not, in my opinion, a perfect bill. Indeed, I would suggest that of the 424 of us who are members of the General Court, 400 here and 24 on the other side of the wall, it's the first choice of only two. The author and the honorable member from Manchester who spoke earlier in this debate. This is probably not the first choice of anyone else. And why is that? Because, ladies and gentlemen, again it's a compromise. It's a compromise. People give up some things in order to get some things, but everybody is giving up something in order to get something. And everybody is somewhat unhappy, but also, somewhat happy. Now, I'm going to urge you, and I do urge you to concur with the Senate message for several reasons. First of all, these formulas are based on real world, on the ground, real time numbers. They deal with actual spending in education by monies raised at the local property tax, the first prong of the formula. They deal with a statewide property tax that does away with all donor towns with the possible exception of one, if that town chooses not to spend more money on its local education system. It deals with factors that we know cost more to provide. Special Education, unlike the most recent iteration of the Odell-D'Allesandro bill which allocated only one percent, only one percent of target aid to Special Education, this bill provides targeting based upon 25% devoted to Special Education. We know that children on free and reduced lunch tend to be underperformers. It's a measure of wealth in the community. It's a surrogate for median household income. This bill ascribes 25% of the targeting to that factor, 25% of the total \$472 million. We know English as a Second Language costs more money to educate people. Indeed, you heard the Chairman of Finance tell you, as I was told yesterday as well by the Department of Education, this costs, the estimate on an average across the state is between \$1,500 and \$1,700 per pupil to bring a student deficient in English up to speed. This bill allocates additional money to that, \$1,000. We know, we know it costs additional money to transport our pupils. And, indeed, the Department of Education has figures which indicate in transporting students in grades Kindergarten through 8, the average per pupil expenditure across the state of New Hampshire is \$180. Right on target with the figures that are in this bill. This bill is a targeting bill.

Let's review the goals that all of us had in one way or another. We wanted to target more aid to the towns that need more aid. This bill does that. In a sense, it is 100% targeted because the two bookends of equalized valuation that are involved here are really efforts to bring everybody in the town up to the same level so that they can raise \$4,122 per pupil from their tax base. We wanted to eliminate donor towns. This bill does that. We wanted to continue property tax relief for our low and moderate income people. Twenty-seven thousand plus of our fellow citizens took advantage of that program last year and collected refunds on the order of \$7.5 to 8 million. This bill retains and restores that program which would disappear under the House version. We wanted to target a high percentage of our aid to special education. As I mentioned earlier, this bill does that. A number of us were concerned that targeting based upon student achievement was actually a disincentive to school districts who did a good job educating their children. This bill removes those disincentives. We are targeting based upon empirical, well-established, well-known factors that indeed increase the cost of education and we are providing aid to our property poor towns so that they can raise the same amount of money as anybody else does at the statewide average.

Now, I would like to ask you a question. Would you take, not would you, let's make it an actual one. Did you, a half an hour before the gate opened at the Kentucky Derby, look at the odds sheet, decide that Giacomo was a good bet and take all the money out of your retirement account and put it on a horse that was rated 50 to 1? I don't think anybody in this room did that. Or, let's go back to January 10th of 2000, two days before the NASDAQ hit its high of 5,100 and change. Did anyone here take all of their retirement money out of their well-diversified portfolio and stick it all in high tech stocks? And lose 80%? The alternative to concur is something you should think about. The chances, in my opinion, of you getting a better bill with nonconcurrency and a committee of conference than what this bill is, is around single digits, maybe stretched to 10%. The chances that you're going to get a bill that's worse than this out of committee of conference, my guess, is about 40%, and you know where the other 50% is? We set up a committee of conference and they can't concur and we are stuck with 302 for another year. Is that what you want? I don't think so. We have a time to put this debate to rest at this time. I know it won't be the end. I knew that when we started this process. I'm sure all of you now know that there is no final permanent solution to education funding in the State of New Hampshire. But we have

a chance now, we can do it now with 15 days left in the deadline, or we can wait and try to do it with 15 minutes left in the deadline. In 1999, we did it 30 days after the deadline imposed upon us. This bill is not Cinderella. But also, it is not her nasty, mean stepsisters. And it is not her wicked stepmother. But we've got to pass something before our white stallions turn back into mice, and our schools turn back into pumpkins. I urge you to vote to concur with the bi-partisan speakers who have spoken here today. And, Madam Speaker, I request a roll call.

Rep. Phinizy: ...compromise, and I'm gonna play a little bit, I'm looking at your compromise, (is that better?) and I'm gonna play a little bit of the spreadsheet again and I look at Sullivan County. Sullivan County is a rural, agricultural area and it's got good land and it's got good forests, and it's got good trees, and people come up to hunt and fish and we get a lot of good revenue in this state because of that, yet, I'm looking at tax property values, is this a good compromise that 8 of the towns, most of them with probably not as good property values as the two donor towns that are flat in this county, and then the balance which is three or four of the towns which increase which two of those have good property values. Is this a good compromise when you see 8 out of the 10 or 15 towns go down in funding and then you see two of the donor towns, of course, remain flat because that's what we tried to achieve here, and then 2 out of the 4 or five towns that go up in donations or revenue we seek from the state, have excellent property values and burgeoning property values, is this a good compromise? Does this help the taxpayers of the state? And does this help the taxpayers in those very small, rural, agricultural districts and areas that bring in an awful lot of revenue to this state that they never ever see?

Rep. Hess: Representative, I would suggest this is a good compromise because it does devote about 40% of the targeted aid to equalizing the tax burden both at the statewide level and at the local level so that a minimum of \$7.19 a 1,000 will pay for \$4,122 per pupil. The other 60% of this funding, \$250 million in targeting, is based upon the distributions that actually increase educational costs that we know it. So, yes, I think it is a good compromise because it considers a variety of factors.

Vote to adopt motion to concur with Senate amendment to House Bill 616

roll call Y- 269 N-96 – motion adopted

The House recessed at 12:50 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 2:00 p.m.

SENATE MESSAGES

REQUESTS FOR CONCURRENCE WITH AMENDMENTS

HB 539-FN-A-L, relative to land and community heritage investment program administration. (Amendment printed SJ 06/09/05)

Rep. Stone moved that the House concur and spoke in favor.

Adopted.

HB 173, relative to food service and distribution. (Amendment printed SJ 06/09/05)

Rep. MacKay moved that the House concur and spoke in favor.

Adopted.

HB 350, relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor. (Amendment printed SJ 06/09/05)

Rep. Bridle moved that the House concur and spoke in favor.

Adopted.

HB 215-FN, relative to water management. (Amendments printed SJ 05/19/05 and 06/09/05)

Rep. Merrow moved that the House concur and spoke in favor.

Adopted.

HB 279, relative to the classification of Spofford Lake in Chesterfield, New Hampshire. (Amendment printed SJ 06/09/05)

Rep. Merrow moved that the House concur and spoke in favor.

Adopted.

HB 47, regulating the use of computer spyware. (Amendments printed SJ 05/12/05 and 06/09/05)

Rep. Ross moved that the House concur and spoke in favor.

Adopted

HB 185, establishing a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3. (Amendment printed SJ 06/09/05)
Rep. Ross moved that the House concur and spoke in favor.

Adopted.

HB 683-FN, relative to reporting of motor vehicle offenses by driver education instructors and drivers' school licensees. (Amendment printed in SJ 05/26/05)

Rep. Nedeau moved that the House concur and spoke in favor.

Adopted

HB 558, relative to the circumstances constituting sexual assault. (Amendment printed SJ 06/09/05)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Charron, Tholl, Knowles and Hammond.

HB 692-FN-L, relative to the county department of corrections. (Amendment printed SJ 05/26/05)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Weare, Charron, Knowles and Hammond.

HB 381-FN, relative to special elections, voter lists, and conduct of elections.

Rep. Whalley moved that the House nonconcur and request a Committee of Conference. (Amendments printed SJ 05/26/05 and 06/09/05)

Adopted.

The Speaker appointed Reps. Drisko, Whalley, O'Brien and Weed.

HB 573, establishing a commission to study automobile recycling issues, including disposal fees. (Amendment printed SJ 06/02/05)

Rep. Babson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Babson, Burton Williams, Knox and Merrick.

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board. (Amendment printed SJ 04/28/05)

Rep. Bergin moved that the House nonconcur and request a Committee of Conference.

Rep. DeJoie spoke in favor.

Adopted.

The Speaker appointed Reps. Bergin, MacKay, Irwin, and Dalrymple.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services. (Amendments printed SJ 06/09/05)

Reps. Bergin and King moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Coburn, Nelson Allan, Hager and Velez.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities. (Amendments printed SJ 05/26/05 and 06/09/05)

Rep. MacKay moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. MacKay, Mason, Hogancamp and Schulze.

HB 542, making technical corrections to the uniform trust code. (Amendments printed SJ 06/09/05)

Rep. Dokmo moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Dokmo, Espieffs and Rowe.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor. (Amendment printed SJ 06/09/05)

Reps. Merrow and King moved that the House nonconcur and request a Committee of Conference.

Rep. Giuda spoke against.

Rep. Merrow spoke in favor.

Adopted.

The Speaker appointed Reps. Currier, Merrow, D.L. Christensen and Spang.

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry. (Amendment printed SJ 06/02/05)

Rep. Ross moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Maxfield, James Garrity, Cali-Pitts and Ryan.

HB 326, relative to motorcycle noise levels and mufflers. (Amendment printed SJ 06/09/05)

Rep. Nedeau moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Packard, Nedeau, Ferland and John Flanders.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 76, relative to the extension of restraining orders under the domestic violence protection act.

The President appointed Sens. Foster, Green and Gottesman.

Rep. Welch moved that the House accede.
Adopted.

The Speaker appointed Reps. Tholl, Welch, Knowles and Villeneuve.

SB 179, requiring hunters to report the death or injury of domestic animals.

The President appointed Sens. Roberge, Gatsas and Hassan.

Rep. Babson moved that the House accede.
Adopted.

The Speaker appointed Reps. Robert L'Heureux, Phinizy, Knox and Greco.

SB 19, relative to qualifications to sell lottery, bingo, and lucky 7 tickets.

The President appointed Sens. D'Allesandro, Letourneau and Green.

Rep. Bergin moved that the House accede.
Adopted.

The Speaker appointed Reps. Fitzgerald, Manney, Francis Sullivan and Velez.

SB 70, relative to the powers of special corporations.

The President appointed Sens. Barnes, Larsen and Roberge.

Rep. Bergin moved that the House accede.
Adopted.

The Speaker appointed Reps. Hawkins, Ryder, Pilotte and Carl Robertson.

SB 124, relative to the regulation of real estate brokers by the real estate commission.

The President appointed Sens. Roberge, Gallus and Fuller-Clark.

Rep. Bergin moved that the House accede.
Adopted.

The Speaker appointed Reps. Nowe, Coburn, Hawkins and Irwin.

SB 153-FN, relative to the administration of certain programs by the department of environmental services.

The President appointed Sens. Clegg, Flanders and D'Allesandro.

Rep. Bergin moved that the House accede.
Adopted.

The Speaker appointed Reps. Nelson Allan, Carl Robertson, Patricia McMahon and Francis Sullivan.

SB 170, revising the nurse practice act.

The President appointed Sens. Kenney, Martel and Fuller-Clark.

Rep. Bergin moved that the House accede.
Adopted.

The Speaker appointed Reps. Bergin, Dexter, Millham and Houde-Quimby.

SB 216, establishing a commission to study area agencies.

The President appointed Sens. Martel, Boyce and Burling.

Rep. MacKay moved that the House accede.
Adopted.

The Speaker appointed Reps. Wendelboe, Charles McMahon, Barry and Schulze.

SB 37, relative to disclosure of expert testimony.

The President appointed Sens. Clegg, Roberge and Gottesman.

Rep. Dokmo moved that the House accede.
Adopted.

The Speaker appointed Reps. Sorg, Mooney, Mead and Shurtleff.

SB 43, relative to the administration of estates of persons presumed dead.

The President appointed Sens. Foster, Green and Gottesman.

Rep. Dokmo moved that the House accede.

Adopted.

The Speaker appointed Reps. Dokmo, Hunt, Shurtleff and Sorg.

SB 61, relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees.

The President appointed Sens. Foster, Letourneau and Clegg.

Rep. Dokmo moved that the House accede.

Adopted.

The Speaker appointed Reps. Dokmo, Mooney, Wall and Sorg.

SB 75-FN, relative to the statute of limitations for a civil actions based upon a sexual assault case.

The President appointed Sens. Clegg, Foster and Gottesman.

Rep. Dokmo moved that the House accede.

Adopted.

The Speaker appointed Reps. Mooney, Dokmo, Lasky and Hunt.

SB 28, relative to confidentiality and workers' compensation.

The President appointed Sens. Flanders, Clegg and Foster.

Rep. Bridle moved that the House accede.

Adopted.

The Speaker appointed Reps. Bridle, Infantine, Gorman and Giuda.

SB 127-FN, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority.

The President appointed Sens. Clegg, Morse and D'Allesandro.

Rep. Chandler moved that the House accede.

Adopted.

The Speaker appointed Reps. Chandler, Rausch, Graham and David Campbell.

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests.

The President appointed Sens. Boyce, Roberge and Burling.

Reps. MacKay and Major moved that the House accede.

Adopted.

The Speaker appointed Reps. MacKay, Hogancamp, French and Camm.

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision.

The President appointed Sens. Johnson, Gallus and Hassan.

Rep. Merrow moved that the House accede.

Adopted.

The Speaker appointed Reps. Currier, Russell, Irish and Cilley.

CLERK'S NOTE

The House refused to consider the introduction of the following entitled bill sent down from the Senate:

SCR 5, a resolution recognizing the increasing problem of exotic aquatic weeds and species.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only, and that when the House adjourns today it be to meet Wednesday, June 29, 2005 at 10:00 a.m.

Adopted.

LATE SESSION

UNANIMOUS CONSENT

Reps. Alger and Owen addressed the House.

MOTION TO PRINT REMARKS

Rep. O'Neil moved that the remarks of Rep. Alger be printed in the Permanent Journal.

Unanimously adopted.

REMARKS

Rep. Alger: Thank you so very much, Mr. Speaker, Honorable members, I am so pleased and delighted. I did want to come up here and thank you so very, very, very much for all the great cards, letters, e-mails, calls that I received in my afflictions and your recommendations for how to solve my problem. But I did notice that the Supreme Court had outlawed medical marijuana. I also want very much to thank you for the rousing welcome of last week, it was most heartwarming. I also want to mention that in the process of understanding the situation, I noticed that in this House there are quite a number of us who have struggled with the same problem, chemo, and all that. Some personally, some friends and I do recognize their guts, their energy coming back as I hope I can do, but I am going to consult with the doctors.

I must also pay tribute to my dedicated, loving wife of over 53 years, my wife, Judy. She has driven me over 3,000 miles in the last three months back and forth to Dartmouth-Hitchcock, taken over many chores that I used to do or had to do, and now, of course, she has discovered I can make my own lunch again, so I'm in trouble — now I've got to try and stay in bed and pretend I'm sick. I will say, I hope that any of you that to engage in this miserable disease can find yourself a loyal friend or spouse as outstanding as my wife who, by the way, I know the Representative from Enfield would say she would make an outstanding vote in this House were she to come here, so watch out.

Finally, I would say and recommend to all of you a simple concept I decided on when I first ran in 1997 and that is, that for \$100 a year I am not going to get mad at anybody. So make your friends, enjoy the place and you will have a wonderful set of friends all across this state. So please, thank you very, very much and have fair weather, good health, good luck and enjoy yourselves. Thank you very much again.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming Committees of Conference on budget bills only.

Adopted.

The House recessed at 3:15 p.m.

RECESS

(Rep. Wendelboe in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 69, 125, 132, 158, 248, 259, 261, 269, 307, 354, 415, 437, 478, 549, 557, 602, 618, and 628 and Senate Bills numbered 63, 91, 113, 137 and 214.

Rep. Currier, Sen. D'Allesandro for the Committee

ENROLLED BILL AMENDMENTS

HB 260-FN, relative to motor vehicle equipment and registration.

Amendment (1835-EBA)

Amend RSA 228:24-a as inserted by section 3 of the bill by replacing line 8 with the following:
nonprofit corporations operating transportation under contract with the department of
Adopted.

HB 522, establishing a committee to study gaming options for New Hampshire.

Amendment (1816-EBA)

Amend paragraph I of section 2 of the bill by replacing lines 3-6 with the following:
of representatives, 2 of whom shall be proponents of casino gambling, 2 of whom shall be opponents of casino gambling, and the remaining member shall be initially undecided.

(b) Five members of the senate, appointed by the president of the senate, 2 of whom shall be proponents of casino gambling, 2 of whom shall be opponents of casino gambling, and the Amend section 3 of the bill by replacing subparagraph IV(e) with the following:

(e) The state lottery commission.

Amend paragraph VI of section 3 of the bill by replacing lines 1-2 with the following:

VI. Determine and quantify, to the extent possible, the social and economic effects of casinos in various sites around the state on state, county, and local governments, and on tourism and Adopted.

SB 125-FN, repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism. (Amendment printed SJ 06/09/05)
Adopted.

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board. The President appointed Sens. Odell, Boyce and Larsen.

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry.

The President appointed Sens. Odell, Bragdon and Burling.

HB 326, relative to motorcycle noise levels and mufflers.

The President appointed Sens. Letourneau, Flanders and Fuller-Clark.

HB 381-FN, relative to special elections, voter lists, and conduct of elections.

The President appointed Sens. Boyce, Bragdon and Hassan.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor.

The President appointed Sens. Clegg, Morse and D'Allesandro.

HB 542, making technical corrections to the uniform trust code.

The President appointed Sens. Barnes, Flanders and Foster.

HB 558, relative to the circumstances constituting sexual assault.

The President appointed Sens. Roberge, Green and Foster.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

The President appointed Sens. Johnson, Clegg and Letourneau.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities.

The President appointed Sens. Flanders, Boyce and Larsen.

HB 692-FN-L, relative to the county department of corrections.

The President appointed Sens. Johnson, Roberge and Clegg.

RECESS

(Rep. Graham in the Chair)

SENATE MESSAGES

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 573, establishing a commission to study automobile recycling issues, including disposal fees. The President appointed Sens. Letourneau, Clegg and Burling.

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 163-FN, establishing the New Hampshire pharmaceutical assistance program.

The President appointed Sens. Bragdon, Clegg and Larsen.

Rep. Rausch moved that the House accede.

Adopted.

The Speaker appointed Reps. Rogers Johnson, Charles McMahon, Donovan and King.

RECESS

(Speaker Scamman in the Chair)

CONFERRER CHANGES

HB 366, relative to maintenance of voter checklists.

Rep. Splaine replaces Rep. Claudia Chase.

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures.

Rep. Major replaces Rep. Price.

RECESS

(Rep. King in the Chair)

ENROLLED BILL AMENDMENT*HB 691-FN-L*, relative to the medicaid program.**Amendment (1810-EBA)**

Amend paragraph I of section 1 of the bill by replacing line 4 with the following:

Medicaid funding require a more cost-effective system to ensure that the state has the ability to
Amend paragraph II of section 1 of the bill by replacing line 7 with the following:

poor, are without the means for obtaining long-term care services, and are in need of

Amend RSA 167:14-a, VI as inserted by section 9 of the bill by replacing line 7 with the following:
owner or owners shall acknowledge receipt of the department's claim and, provided that there shall

Amend section 19 of the bill by replacing line 2 with the following:

legislation to the speaker of the house of representatives, the senate president, the house clerk, the
Adopted.**RECESS**

(Rep. Welch in the Chair)

SENATE MESSAGE**NONCONCURRENCE WITH ENROLLED BILL AMENDMENT***SB 66*, establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England. (EBA-1818)**ENROLLED BILL AMENDMENT***SB 66*, establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England. (EBA – 1913 printed SJ 6/09/05)
Adopted.**ENROLLED BILL AMENDMENTS***HB 43*, relative to state employees appearing before the legislature.**Amendment (1726-EBA)**

Amend RSA 98-F:1 as inserted by section 1 of the bill by replacing line 1 with the following:

98-F:1 State Employee Appearances Before the Legislature. State employees appearing in their official capacity before any legislative meeting or
Adopted.*HB 112*, relative to psychiatric evaluations in competency hearings.**Amendment (1800-EBA)**

Amend section 2 of the bill by replacing line 1 with the following:

2 Competency Evaluations During Involuntary Commitment Period. RSA 135:17-a, VI is
Adopted.*HB 315*, relative to best available technology for air pollution control.**Amendment (1783-EBA)**Amend RSA 125-C:4, I(o) as inserted by section 3 of the bill by replacing line 2 with the following:
provided in RSA 125-C:10-b, VII(f).Amend RSA 125-C:4, I(p) as inserted by section 3 of the bill by replacing line 2 with the following:
determination is required as provided in RSA 125-C:10-b, IV and VI.Amend RSA 125-C:4, I(q) as inserted by section 3 of the bill by replacing line 2 with the following:
an exempt fuel, to be combusted in a device at an affected source subject to RSA 125-C:10-b.

Amend section 4 of the bill by replacing lines 1-3 with the following:

4 New Section; Air Pollution Control Act; Best Available Control Technology. Amend 125-C
by inserting after section 10-a the following new section:

125-C:10-b Best Available Control Technology Required.

Amend section 5 of the bill by replacing line 1 with the following:

5 Rules Required. No permits shall be issued under RSA 125-C:10-b until final adoption of all
Adopted.

HB 353, relative to consent to haul lobster and crab gear of license holders.

Amendment (1744-EBA)

Amend RSA 211:18, I-a as inserted by section 1 of the bill by replacing line 4 with the following: lobster and crabs within the jurisdiction of the state of New Hampshire.
Adopted.

HB 424-FN, prohibiting the receipt of cash gifts by elected officials.

Amendment (1792-EBA)

Amend RSA 15-B:2 as inserted by section 3 of the bill by replacing line 15 with the following: official but for the office he *or she* holds.
Adopted.

HB 623-FN, relative to licensing requirements in the insurance and financial services industries.

Amendment (1748-EBA)

Amend RSA 402-D:10 as inserted by section 3 of the bill by replacing lines 3-5 with the following: *or guilty of a felony if any other person*. Any licensee who in the course of his *or her* work as a public adjuster shall misrepresent his *or her* identity or the identity of his *or her* principal or employer, or who shall wrongfully divulge information coming to him *or her* in his *or her* capacity as a public adjuster may be subjected

Amend RSA 420-F:3, VI as inserted by section 9 of the bill by replacing line 3 with the following: granted to him *or her* or Delta for whom he *or she* acts as agent has been revoked, he *or she* shall be guilty of a

Amend RSA 402-J:1, II as inserted by section 11 of the bill by replacing line 3 with the following: 407-C:3; RSA 408:42; RSA 416-A:15; RSA ~~418:5-a~~ **418:31**; RSA 420-A:7; RSA 420-B:18; RSA 420-F:3; and

Adopted.

HJR 3, supporting the Portsmouth Naval Shipyard.

Amendment (1788-EBA)

Amend the resolution by replacing the sixth paragraph after the title with the following:

Whereas, the Portsmouth Naval Shipyard is one of only 2 nuclear-certified public shipyards on the East Coast, making it an asset to the United States Navy and integral to national and homeland security; and

Amend the resolution by replacing all after the resolving clause with the following:

That the New Hampshire general court urges the Base Realignment and Closure Committee to reassess the recommendation and closure plans of the Portsmouth Naval Shipyard, and remove the Portsmouth Naval Shipyard from the base closure list; and

That copies of this resolution be forwarded to the Base Realignment and Closure Committee and the New Hampshire congressional delegation.
Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 260, 517 and 522 and Senate Bills numbered 38, 83, 164 and 226.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Speaker Scamman in the Chair)

CONFEREES CHANGES

SB 216, establishing a commission to study area agencies.

Rep. Batula replaces Rep. Barry.

Rep. Price replaces Rep. Charles McMahon.

RECESS

(Speaker Scamman in the Chair)**CONFEREE CHANGES**

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

Rep. Bergin replaces Nelson Allen.

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee, and relative to the definition of tanning device operator.

Rep. Bergin replaces Rep. Pilotte.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor.

Rep. Goyette replaces Rep. Spang.

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007.

Rep. Weyler replaces Rep. Wallner.

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures.

Rep. Dodge replaces Rep. Foster.

RECESS**(Rep. Price in the Chair)****ENROLLED BILL AMENDMENTS**

HB 129-FN-L, establishing a high performance school incentive and relative to the use of system benefits charge funds for school building projects that promote indoor air quality or energy efficiency.

Amendment (1920-EBA)

Amend the bill by replacing section 4 of the bill with the following:

4 Contingent Renumbering. If SB 38 of the 2005 legislative session becomes law, RSA 198:15-b, I-a and I-b as inserted by section 1 of this act shall be renumbered to RSA 198:15-b, I-b and I-c, respectively.

5 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

HB 257, relative to emergency medical and trauma service protocols and quality assurance program.

Amendment (1912-EBA)

Amend section 2 of the bill by replacing line 2 with the following:

Amend RSA 153-A:2 by inserting after paragraph XVI the following new paragraph

Adopted.

HB 597-FN-A, relative to the natural heritage inventory program.

Amendment (1918-EBA)

Amend RSA 217-A:3, XIII(k) as inserted by section 1 of the bill by replacing it with the following:

[†] (k) The New Hampshire Timberland Owners Association.

Amend section 2 of the bill by replacing line 5 with the following:

and lands of the department of resources and economic development which collects and analyzes

Adopted.

RECESS**(Rep. Remick in the Chair)****ENROLLED BILL AMENDMENTS**

SB 52, establishing the state suggestion and extraordinary service award program. (Amendment printed SJ 06/29/05)

Adopted.

SB 115-FN, relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services. (Amendment printed SJ 06/29/05)

Adopted.

SB 132, relative to the board of marital mediator certification. (Amendment printed SJ 06/29/05)
Adopted.

SB 152-FN, relative to audits by the department of revenue administration of enhanced 911 charges and relative to the confidentiality of information collected by the department of safety regarding the surcharge for the enhanced 911 system. (Amendment printed SJ 06/29/05)
Adopted.

SB 168, relative to administration of estates. (Amendment printed SJ 06/29/05)
Adopted.

SB 186, allowing probate court judges and district court justices to sit on probate or district court cases. (Amendment printed SJ 06/29/05)
Adopted.

SB 201, making technical corrections to certain environmental laws and the small business technical assistance program. (Amendment printed SJ 06/29/05)
Adopted.

RECESS

(Rep. Price in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 43, 112, 185, 315, 353, 424, 623, 691 and House Joint Resolution numbered 3.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Rep. Remick in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 102, 404, 439, 477, 510, 511, 647, 651, and Senate Bills numbered 53, 66, 73, 79, 86, 111, 125, 188, and 199.

Rep. Currier, Sen. D'Allesandro for the Committee

ENROLLED BILL AMENDMENTS

SB 21, relative to voluntary mediated agreements in adoptions. (Amendment printed SJ 06/29/05)
Adopted.

SB 46, relative to the duties of law enforcement officials upon receiving reports of missing adults. (Amendment printed SJ 06/29/05)
Adopted.

SB 74, making certain technical changes in the insurance laws. (Amendment printed SJ 06/29/05)
Adopted.

SB 223-FN, relative to licensing nondepository mortgage bankers and brokers. (Amendment printed SJ 06/29/05)
Adopted.

RECESS

(Speaker Scamman in the Chair)

Rep. Weyler moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 20

Wednesday, June 29, 2005

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Dr. Bruce Boria, Pastor of Bethany Church of Greenland.

O Lord our God, how majestic is Your name in all the earth, when we in awesome wonder consider all the worlds Thy hands have made. We see the stars, we hear the rolling thunder and Thy powers displayed throughout the universe. Our souls are tempted to sing, "How Great Thou Art." When we consider man, that You have stamped on him Your divine image and blessed him with the faculty of a mind and heart, a soul and physical strength, we take a pause and again we are tempted to sing, "My God, How Great Thou Art." And when we think, Lord, that You have considered us worthy of the challenges that face us in this life, burdens that You put on our shoulders and then inspire us, Lord, to go out and use our minds, the compassion in our hearts, the meditations of our souls and the strength of our hands to make certain that all the citizens of this state and families that reside here, they feel something of a love, and a concern, a respect, again Lord, we are tempted to step back and just say, "My God, How Great Thou Art."

So I pray today that Your blessing would be on this House of Representatives, that You would give them wisdom and discernment and understanding that they might cause the citizens of this state to live in harmony with one another and with You, and I pray this in the name of the Father, and of the Son, and of His Holy Spirit. Amen.

Rep. Barbara C. French led the Pledge of Allegiance.

The National Anthem was sung by Kaycee Sawyer, a 5th grade student at Holy Trinity School in Laconia.

LEAVES OF ABSENCE

Reps. Albert, Hunter, Palangas, Philbrick and Stepanek, the day, illness.

Reps. Carter, Mark Clark, Richard Cooney, Dorsett, Stephanie Eaton, Foote, Forsing, Hollinger, Michon, Moran, Morneau, Parker, Pelkey, Reed and Sokol, the day, important business.

INTRODUCTION OF GUESTS

Pages for the Day, Hanna Gomez, 8th grade student from Litchfield Middle School and granddaughter of Rep. Boehm, and Amy Proulx, an Ashland University student, guests of the House.

Nathaniel and Laurie Sawyer, parents of today's singer, guests of the House. Horst Freyhofer and Cerasel Cutenu, guests of Rep. Heald. Karen Kenney and Patrick Monahan, guests of Rep. Mason. Gary Dodds, guest of Rep. Claudia Chase. Neil Ben-Berem, guest of Rep. Hogancamp. Matthew Brown, Jessalyn and Casey Jones, husband, great-niece and great-nephew of Rep. Jennifer Brown. Helen Solberg, Lars Vidar Gullestad and Gisle Saudland, guests of Rep. Rush. Norm Bernier, guest of Rep. Cataldo. Adam Shibley, guest of the Lebanon delegation. Richard G. Boutwell and Colonel J. Wilfred A. Brassard, U.S. Army, retired, guests of Rep. Parkhurst. Jennifer Boudreau, guest of Rep. Ryan. Bryan and Brett Mele, guests of Rep. Emerson. Dale Michael Keith, nephew of Rep. McRae.

(Deputy Speaker Weyler in the Chair)**COMMUNICATION**

June 22, 2005

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough County, District 1, Gilman C. Shattuck, d, Hillsborough (571 Center Road) 03244
William M. Gardner, Secretary of State

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS**COMMITTEE OF CONFERENCE REPORT ON SB 5**

Committee of Conference Report on **SB 5**, an act establishing a commission to study the state park system.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend subparagraphs I(a)-(b) as inserted by section 2 of the bill by replacing them with the following:

(a) Two members of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives

Conferees: Sens. Johnson, Dist. 2; Gallus, Dist. 1; and Larsen, Dist. 15.

Conferees: Reps. Currier, Merr. 5; Irish, Sull. 4; Sanders, Rock. 7; and Parkhurst, Ches. 4.

Rep. Currier moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 19

Committee of Conference Report on **SB 19**, an act relative to qualifications to sell lottery, bingo, and lucky 7 tickets.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage

Conferees: Sens. D'Allesandro, Dist. 20; Letourneau, Dist. 19 and Green, Dist. 6.

Conferees: Reps. Fitzgerald, Belk. 4; Manney, Hills. 7; F. Sullivan, Hills. 12; and Velez, Hills. 12.

Rep. Fitzgerald moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 43

Committee of Conference Report on **SB 43**, an act relative to the administration of estates of persons presumed dead.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 553:19, II as inserted by section 4 of the bill by replacing it with the following:

II. That the person has been absent for a continuous period of 4 years, during which time he or she has not been heard of or from, and whose absence is not satisfactorily explained after diligent search or inquiry. The individual's death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier.

Amend RSA 563:5, V as inserted by section 5 of the bill by replacing it with the following:

V. An individual whose death is not established[;] under the preceding paragraphs who is absent for a continuous period of [7] 4 years, during which time that individual has not been heard from, and whose absence is not satisfactorily explained after diligent search or inquiry, is presumed to be dead. The individual's death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier

Conferees: Sens. Foster, Dist. 13; Green, Dist. 6; and Gottesman, Dist. 12.

Conferees: Reps. Dokmo, Hills. 6; Hunt, Ches. 7; Shurtleff, Merr. 10; and Sorg, Graf. 3.

Rep. Dokmo moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 28

Committee of Conference Report on **SB 28**, an act relative to confidentiality and workers' compensation.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House

Conferees: Sens. Flanders, Dist. 7; Clegg, Dist. 14 and Foster, Dist. 13.

Conferees: Reps. Bridle, Rock. 15; Infantine, Hills. 13; Gorman, Hills. 23 and Giuda, Graf. 5.

Rep. Bridle moved that the House adopt the Committee of Conference Report and yielded to questions.

Rep. Cady requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

YEAS 249 NAYS 96**YEAS 249****BELKNAP**

Allen, Janet
Millham, Alida
Thomas, John

Clark, Charles
Nedeau, Stephen
Tobin, William

Fitzgerald, James
Pilliod, James
Veazey, John

Flanders, Donald
Russell, David
Whalley, Michael

CARROLL

Ahlgren, Christopher
Knox, J David
Patten, Betsey

Brown, Carolyn
Martin, James
Stevens, Stanley

Chandler, Gene
Merrow, Harry

Dickinson, Howard
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Dexter, Judson
Hogancamp, Deborah
Plifka, Stanley Jr
Robertson, Timothy

Butcher, Suzanne
Dunn, J Timothy
Hunt, John
Pratt, John
Tilton, Anna

Butynski, William
Eaton, Daniel
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Chase, William
Espiefs, Peter
Parkhurst, Henry
Roberts, Kris

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Mears, Edgar
Theberge, Robert

Merrick, Scott
Tholl, John Jr

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Solomon, Peter

Andersen, Gene
Giuda, Robert
Mulholland, Catherine
Sorg, Gregory

Benn, Bernard
Hammond, Lee
Naro, Debra
Ward, John

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Bergin, Peter
Carlson, Donald
Clayton, William
Coughlin, Pamela
DeVries, Betsi
Emerton, Larry
Garrity, Patrick
Graham, John
Hawkins, Ken
Johnson, Paula
Lessard, Rudy

Baroody, Benjamin
Brassard, Paul
Chabot, Robert
Clemons, Jane
Craig, James
Drisko, Richard
Essex, David
Goley, Jeffrey
Haley, Robert
Irwin, Anne-Marie
Kurk, Neal
McRae, Karen

Batula, Peter
Brundige, Robert
Chase, Claudia
Cote, David
Daniuk, Caitlin
Egbers, Fran
Foster, Linda
Gonzalez, Carlos
Hall, Betty
Jasper, Shawn
L'Heureux, Robert
Mooney, Maureen

Beaulieu, Jane
Buhlman, David
Christensen, D L Chris
Cote, Peter
Desmarais, Vivian
Elliott, Nancy
Gargas, Carolyn
Gorman, Mary
Harvey, Suzanne
Jean, Claudette
Lasky, Bette
Movsesian, Lori

O'Connell, Timothy
Reeves, Sandra
Schulze, Joan
Velez, Hector

Pappas, Christopher
Rochette, Eric
Shattuck, Gilman
Wheeler, Robert

Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly

Price, Pamela
Ross, Lawrence
Sullivan, Francis

MERRIMACK

Anderson, Eric
Currier, David
French, Barbara
Hess, David
Langlais, Thomas
McMahon, Patricia
Rush, Deanna
Tupper, Frank

Bouchard, Candace
DeJoie, John
Gile, Mary
Kidder, David
Lockwood, Priscilla
Oliver, James
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
DeStefano, Stephen
Hager, Elizabeth
Klose, John
MacKay, James
Osborne, Jessie
Shurtleff, Stephen
Williams, Robert

Clarke, Claire
Foose, Robert
Hamm, Christine
L'Heureux, Stephen
Maxfield, Roy
Potter, Frances
Tilton, Joy
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Cali-Pitts, Jacqueline
Dodge, Robert
Flockhart, Eileen
Griffin, Mary
Johnson, Robert
Kobel, Rudolph
Moody, Marcia
O'Neil, Michael
Quandt, Marshall Lee
Rolston, James
Serlin, Christopher
Welch, David

Allen, Mary
Blanchard, MaryAnn
Casey, Kimberley
Donahue, Richard Ken
Francoeur, Sheila
Headd, James
Johnson, Rogers
Major, Norman
Moore, Benjamin
Packard, Sherman
Quandt, Matthew
Sanders, Elisabeth
Stiles, Nancy
Weldy, Norman

Asselin, Michael
Bridle, Russell
Coburn, James
Dowd, John
Gillick, Thomas
Hutchinson, Karen
Katsakiores, George
Mason, April
Norelli, Terie
Pantelakos, Laura
Rausch, James
Scamman, Stella
Stone, Joseph
Wiley, Robert

Belanger, Ronald
Buxton, Donald
Dalrymple, Janeen
Flanders, John Sr
Gould, Kenneth
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Nowe, Ronald
Powers, James
Robertson, Carl
Scamman, W Douglas
Weare, E Albert
Winchell, George

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Taylor, Katherine

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Heon, Richard
Knowles, William
Schmidt, Peter
Twombly, James

Brown, Lawrence
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Snyder, Clair
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

NAYS 96

BELKNAP

Boyce, Laurie
Tilton, Franklin

Heald, Bruce

Morrison, Gail

Rosen, Ralph

CARROLL

Babson, David Jr

Buco, Thomas

McConkey, Mark

CHESHIRE

Emerson, Susan

Sawyer, Sheldon

COOS

Buzzell, Bernard

Remick, William

GRAFTON

Alger, John	Barker, Robert	Gionet, Edmond	Ham, Bonnie
Maybeck, Margie	Mirski, Paul	Williams, Burton	

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Calawa, Leon Jr	Carew, James
Christiansen, Lars	Dokmo, Cynthia	Dyer, Donald	Gibson, John
Golding, William	Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan
Hebert, Raymond	Hinkle, Peyton	Hirschmann, Keith	Kopka, Angeline
Lawrence, James	Manney, Pamela	Matarazzo, Anthony Sr	Mead, Robert
Messier, Irene	O'Brien, William	Ober, Lynne	Pepino, Leo
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Slocum, Lee
Smith, David	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Blanchard, Elizabeth	Danforth, James	Field, William	Greco, Vincent
Marple, Richard	Owen, Derek	Whiting, Herbert	

ROCKINGHAM

Bettencourt, David	Bicknell, Elbert	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Garrity, James	Gilbert, Karl	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Itse, Daniel	Langley, Jane
Lund, Howie	Palazzo, Frank	Priestley, Anne	Putnam, Ed II
Splaine, James	Waterhouse, Kevin	Wells, Roger	Zolla, William

STRAFFORD

Bickford, David	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Goodwin, Earle	Newton, Clifford	

SULLIVAN

Osgood, Philip Sr
and the Committee of Conference report was adopted.

(Speaker Scamman in the Chair)**SUSPENSION OF RULES**

Reps. O'Neil and Craig moved that the Rules be so far suspended as to allow consideration at the present time of the corrected Committee of Conference report on SB 37, an act relative to disclosure of expert testimony.

Rep. O'Neil spoke in favor.

Adopted by the necessary two-thirds.

CONSIDERATION OF**COMMITTEE OF CONFERENCE REPORT ON SB 37**

Committee of Conference Report on *SB 37*, an act relative to disclosure of expert testimony.
Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Disclosure of Expert Testimony. Amend RSA 516:29-b to read as follows:

516:29-b Disclosure of Expert Testimony *in Civil Cases*.

I. A party *in a civil case* shall disclose to other parties the identity of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the New Hampshire rules of evidence.

II. Except as otherwise stipulated or directed by the court, this disclosure shall, with respect to a witness who is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony, be accompanied by a written report signed by the witness. The report shall contain a complete statement of:

- (a) All opinions to be expressed and the basis and reasons therefor;
- (b) The data or other information considered by the witness in forming the opinions;
- (c) Any exhibits to be used as a summary of or support for the opinions;
- (d) The qualifications of the witness, including a list of all publications authored by the witness within the preceding 10 years;
- (e) The compensation to be paid for the study and testimony; and
- (f) A listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding 4 years.

III. These disclosures shall be made at the times and in the sequence directed by the court. In the absence of other directions from the court or stipulation by the parties, the disclosures shall be made at least 90 days before the trial date or the date the case is to be ready for trial or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, within 30 days after the disclosure made by the other party. The parties shall supplement these disclosures when required in accordance with the court's rules.

IV. The deposition of any person who has been identified as an expert whose opinions may be presented at trial, and whose testimony has been the subject of a report under this section, shall not be conducted until after such report has been provided.

V. The provisions of this section shall not apply in criminal cases.

2 Effective Date. This act shall take effect upon its passage.

Conferees: Sens. Clegg, Dist. 14; Roberge, Dist. 9; and Gottesman, Dist 12.

Conferees: Reps. Sorg, Graf. 3; Mooney, Hills. 19; Mead, Hills. 4; and Shurtleff, Merr. 10.

Rep. Sorg moved that the House adopt the Committee of Conference Report and spoke in favor. Committee of Conference Report adopted.

Rep. Coughlin declared a conflict of interest and did not participate.

SENATE MESSAGES

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007.

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006, and June 30, 2007. (Report printed SJ 06/29/05)

Rep. King moved that the House adopt the Committee of Conference Report, spoke in favor and yielded to questions.

Reps. Wallner, DeJoie, Keans, Cady, Gile, Gibson and Daniel Eaton spoke against.

Reps. Hager and Weyler spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. O'Neil requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

YEAS 198 NAYS 172

YEAS 198

BELKNAP

Allen, Janet
Flanders, Donald
Pilliod, James
Tilton, Franklin
Whalley, Michael

Boyce, Laurie
Heald, Bruce
Rosen, Ralph
Tobin, William

Clark, Charles
Millham, Alida
Russell, David
Veazey, John

Fitzgerald, James
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Knox, J David
Olimpio, J Lisbeth

Babson, David Jr
Martin, James
Patten, Betsey

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Merrow, Harry

CHESHIRE

Dexter, Judson
Sawyer, Sheldon

Emerson, Susan

Hogancamp, Deborah

Hunt, John

COOS

King, Frederick
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Alger, John
Ham, Bonnie
Williams, Burton

Barker, Robert
Naro, Debra

Gionet, Edmond
Sorg, Gregory

Giuda, Robert
Ward, John

HILLSBOROUGH

Adams, Jarvis IV
Boehm, Ralph
Carew, James
Christiansen, Lars
Dokmo, Cynthia
Francoeur, Bea
Graham, John
Hinkle, Peyton
Jasper, Shawn
Lawrence, James
Mooney, Maureen
Pepino, Leo
Ross, Lawrence
Sullivan, Francis

Batula, Peter
Brundige, Robert
Carlson, Donald
Coughlin, Pamela
Drisko, Richard
Gargas, Carolyn
Hansen, Ryan
Hirschmann, Keith
Kelly, Eugene Jr
Manney, Pamela
O'Brien, William
Price, Pamela
Ryder, Donald
Tahir, Saghir

Bergeron, Jean-Guy
Buhlman, David
Chabot, Robert
Crane, Elenore Casey
Elliott, Nancy
Golding, William
Hawkins, Ken
Holden, Randolph
Kurk, Neal
McRae, Karen
O'Connell, Timothy
Reeves, Sandra
Scanlon, Michael
Ulery, Jordan

Bergin, Peter
Calawa, Leon Jr
Christensen, D L Chris
Desmarais, Vivian
Emerton, Larry
Gonzalez, Carlos
Hebert, Raymond
Infantine, William
L'Heureux, Robert
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Slocum, Lee
Wheeler, Robert

MERRIMACK

Anderson, Eric
Hess, David
Langlais, Thomas
Maxfield, Roy

Currier, David
Kidder, David
Lockwood, Priscilla
Oliver, James

Danforth, James
Klose, John
MacKay, James
Soltani, Tony

Hager, Elizabeth
L'Heureux, Stephen
Marple, Richard
Whiting, Herbert

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Carson, Sharon
DiFruscia, Anthony
Dowling, Patricia
Flanders, John Sr
Gillick, Thomas
Hughes, Daniel
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
Moore, Benjamin
Palazzo, Frank
Rausch, James
Scamman, Stella
Waterhouse, Kevin
Weyler, Kenneth

Asselin, Michael
Bridle, Russell
Charron, Gene
Dodge, Robert
Doyle, Christopher
Francoeur, Sheila
Gould, Kenneth
Hutchinson, Karen
Johnson, Robert
Kobel, Rudolph
Mason, April
Nowe, Ronald
Priestley, Anne
Robertson, Carl
Smith, Paul
Weare, E Albert
Wiley, Robert

Belanger, Ronald
Buxton, Donald
Coburn, James
Donahue, Richard Ken
Dumaine, Dudley
Garitty, James
Griffin, Mary
Ingram, Russell
Johnson, Rogers
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Welch, David
Winchell, George

Bicknell, Elbert
Camm, Kevin
Dalrymple, Janeen
Dowd, John
Fesh, Bob
Gilbert, Karl
Headd, James
Introne, Robert
Katsakiores, George
Lund, Howie
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Sanders, Elisabeth
Stone, Joseph
Weldy, Norman
Zolla, William

STRAFFORD

Bickford, David	Brown, Julie	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford	Twombly, James	

SULLIVAN

Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
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NAYS 172**BELKNAP**

Morrison, Gail

CARROLL

Buco, Thomas	Dickinson, Howard
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	Maybeck, Margie
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Nordgren, Sharon
Solomon, Peter			

HILLSBOROUGH

Allan, Nelson	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Beaulieu, Jane	Biundo, Michael	Brassard, Paul	Campbell, David
Chase, Claudia	Clayton, William	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dyer, Donald	Egbers, Fran	Essex, David	Foster, Linda
Garrity, Patrick	Gibson, John	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara	Haley, Robert
Hall, Betty	Harvey, Suzanne	Hellwig, Steve	Irwin, Anne-Marie
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Lefebvre, Roland	Lessard, Rudy	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Movsesian, Lori	Pappas, Christopher	Pilote, Maurice
Rochette, Eric	Rosenwald, Cindy	Rowe, Robert	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Souza, Kathleen	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Field, William	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Kennedy, Richard
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Bettencourt, David	Blanchard, MaryAnn	Cady, Harriet
Cali-Pitts, Jacqueline	Casey, Kimberley	Flockhart, Eileen	Hopfgarten, Paul
Moody, Marcia	Morris, Richard	Norelli, Terie	Pantelakos, Laura
Powers, James	Putnam, Ed II	Serlin, Christopher	Splaine, James
Wells, Roger			

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the Committee of Conference Report was adopted.

(Deputy Speaker Weyler in the Chair)

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures. (Report printed SJ 06/29/05)
Rep. King moved that the House adopt the Committee of Conference Report, spoke in favor and yielded to questions.

Reps. Phinizy and Vaillancourt spoke against and yielded to questions.

Rep. Whalley spoke in favor and yielded to questions.

Rep. Wendelboe yielded to questions.

Reps. Foster, Cady, Gibson and Marjorie Smith spoke against.

Reps. Giuda spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

YEAS 194 NAYS 179**YEAS 194****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Neddeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Dexter, Judson	Emerson, Susan	Espiefs, Peter	Hogancamp, Deborah
Hunt, John	Sawyer, Sheldon		

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Alger, John	Barker, Robert	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr

Carew, James
Christiansen, Lars
Dokmo, Cynthia
Francoeur, Bea
Graham, John
Hinkle, Peyton
Kelly, Eugene Jr
Manney, Pamela
O'Brien, William
Reeves, Sandra
Ryder, Donald
Tahir, Saghir

Carlson, Donald
Coughlin, Pamela
Drisko, Richard
Gargas, Carolyn
Hansen, Ryan
Holden, Randolph
Kurk, Neal
McRae, Karen
O'Connell, Timothy
Renzullo, Andrew
Scanlon, Michael
Velez, Hector

Chabot, Robert
Crane, Elenore Casey
Elliott, Nancy
Golding, William
Hawkins, Ken
Infantine, William
L'Heureux, Robert
Mead, Robert
Ober, Lynne
Ross, Lawrence
Slocum, Lee
Villeneuve, Maurice

Christensen, D L Chris
Desmarais, Vivian
Emerton, Larry
Gonzalez, Carlos
Hebert, Raymond
Jasper, Shawn
Lawrence, James
Mooney, Maureen
Price, Pamela
Rowe, Robert
Sullivan, Francis
Wheeler, Robert

MERRIMACK

Anderson, Eric
Hager, Elizabeth
L'Heureux, Stephen
Marple, Richard
Whiting, Herbert

Currier, David
Hess, David
Langlais, Thomas
Maxfield, Roy

Danforth, James
Kidder, David
Lockwood, Priscilla
Oliver, James

Field, William
Klose, John
MacKay, James
Soltani, Tony

ROCKINGHAM

Allen, Mary
Bridle, Russell
Charron, Gene
Donahue, Richard Ken
Fesh, Bob
Gilbert, Karl
Headd, James
Johnson, Robert
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Quandt, Marshall Lee
Sanders, Elisabeth
Stiles, Nancy
Welch, David
Zolla, William

Asselin, Michael
Buxton, Donald
Coburn, James
Dowd, John
Flanders, John Sr
Gillick, Thomas
Hutchinson, Karen
Johnson, Rogers
Lund, Howie
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Scamman, Stella
Stone, Joseph
Weldy, Norman

Belanger, Ronald
Camm, Kevin
Dalrymple, Janeen
Dowling, Patricia
Francoeur, Sheila
Gould, Kenneth
Ingram, Russell
Katsakiores, George
Major, Norman
Moore, Benjamin
Palazzo, Frank
Rausch, James
Scamman, W Douglas
Waterhouse, Kevin
Wiley, Robert

Bettencourt, David
Carson, Sharon
Dodge, Robert
Doyle, Christopher
Garrity, James
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Mason, April
Nowe, Ronald
Priestley, Anne
Rolston, James
Smith, Paul
Weare, E Albert
Winchell, George

STRAFFORD

Bickford, David
Chaplin, Duncan

Brown, Julie
Easson, Timothy

Campbell, W Packy
Newton, Clifford

Cataldo, Sam
Trombly, James

SULLIVAN

Gale, Harry

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 179

BELKNAP

Morrison, Gail

CARROLL

Buco, Thomas

Dickinson, Howard

CHESHIRE

Allen, Peter
Dunn, J Timothy
Plifka, Stanley Jr
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Pratt, John
Tilton, Anna

Butynski, William
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Chase, William
Parkhurst, Henry
Roberts, Kris

COOS

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Maybeck, Margie
Naro, Debra

Andersen, Gene
Hammond, Lee
McLeod, Martha
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Mirski, Paul
Solomon, Peter

Bleyler, Ruth
Ingbretson, Paul
Mulholland, Catherine

HILLSBOROUGH

Allan, Nelson
Beaulieu, Jane
Chase, Claudia
Cote, Peter
Dyer, Donald
Garrity, Patrick
Gorman, Mary
Hall, Betty
Irwin, Anne-Marie
Lasky, Bette
Matarazzo, Anthony Sr
Pepino, Leo
Schulze, Joan
Smith, David
Vaillancourt, Steve

Balboni, Michael
Biundo, Michael
Clayton, William
Craig, James
Egbers, Fran
Gibson, John
Goyette, Peter Jr
Hall, Betty
Harvey, Suzanne
Jean, Claudette
Lefebvre, Roland
Messier, Irene
Pilotte, Maurice
Shattuck, Gilman
Souza, Kathleen
Wheeler, James

Baroody, Benjamin
Brassard, Paul
Clemons, Jane
Daniuk, Caitlin
Essex, David
Ginsburg, Ruth
Hagan, Barbara
Hellwig, Steve
Johnson, Paula
Lessard, Rudy
Movsesian, Lori
Rochette, Eric
Shaw, Barbara
Sullivan, Peter

Barry, J Gail
Campbell, David
Cote, David
DeVries, Betsi
Foster, Linda
Goley, Jeffrey
Haley, Robert
Hirschmann, Keith
Kopka, Angeline
Martin, Mary Ellen
Pappas, Christopher
Rosenwald, Cindy
Shaw, Kimberly
Ulery, Jordan

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Osborne, Jessie
Rush, Deanna
Tupper, Frank

Brueggemann, Donald
Foose, Robert
Hamm, Christine
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Clarke, Claire
French, Barbara
Kennedy, Richard
Potter, Frances
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Cady, Harriet
Dumaine, Dudley
Itse, Daniel
Norelli, Terie
Robertson, Carl

Bicknell, Elbert
Cali-Pitts, Jacqueline
Flockhart, Eileen
Kobel, Rudolph
Pantelakos, Laura
Serlin, Christopher

Bishop, Franklin
Casey, Kimberley
Hopfgarten, Paul
Moody, Marcia
Powers, James
Splaine, James

Blanchard, MaryAnn
DiFruscia, Anthony
Hughes, Daniel
Morris, Richard
Putnam, Ed II
Wells, Roger

STRAFFORD

Berube, Roger
Cilley, Jacalyn
Goodwin, Earle
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Jennifer
Creteau, Irene
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Lawrence
Domingo, Baldwin
Heon, Richard
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

Callaghan, Frank
Dunlap, Patricia
Hilliard, Dana
Keans, Sandra
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

and the Committee of Conference Report was adopted.

The House recessed at 1:05 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 2:30 p.m.

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS (CONT'D.)**COMMITTEE OF CONFERENCE REPORT ON SB 61**

Committee of Conference Report on **SB 61**, an act relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 493-A:1, I as inserted by section 3 of the bill by replacing it with the following:

I. Any full-time justice of the supreme, superior, district, or probate court who retires or has retired from regular active service prior to age 70 pursuant to RSA 100-C or any predecessor judicial retirement plan or system, may elect to take either senior active status or retired status for the period prior to the time when the justice reaches age 70. A justice who desires to be designated on senior active status shall make such election by providing written notice to the chief justice or administrative justice of the court from which he or she retired. The first such election shall be made not later than 30 days prior to the date the justice's retirement becomes effective and shall be valid for one year from the date of the justice's retirement. Thereafter, a justice who desires to remain in senior active status shall provide a similar notice on an annual basis to the chief or administrative justice of the court from which the justice retired not later than 30 days prior to the anniversary date of the justice's retirement. Judges retired on the effective date of this section shall make the first such election not later than 30 days after the effective date of this section. Each election shall be valid for a period of one year, except that an election made for the year in which the justice reaches age 70 shall terminate on the day before the justice turns 70. A justice who desires to be designated on retired status may do so at any time following his or her retirement from regular active service by providing written notice of this election to the chief or administrative justice of the court from which the justice retired; provided, however, that once a justice elects to be designated on retired status such election shall be final and the justice shall not thereafter be allowed to return to senior active status.

Amend RSA 493-A:1-a as inserted by section 4 of the bill by deleting paragraph IV

Amend the bill by replacing section 5 with the following:

5 Repeal. RSA 491:23, relative to appointment of former judges as referees, auditors and masters, is repealed

Conferees: Sens. Foster, Dist. 13; Letourneau, Dist. 19; and Clegg, Dist. 14.

Conferees: Reps. Dokmo, Hills. 6; Mooney, Hills. 19; Wall, Straf. 7; and Sorg, Graf. 3.

Rep. Dokmo moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

Rep. Coughlin declared a conflict of interest and did not participate.

COMMITTEE OF CONFERENCE REPORT ON SB 62

Committee of Conference Report on **SB 62-FN**, an act allowing court fees to be paid by credit card.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 490:26-a as inserted by section 2 of the bill by replacing it with the following:

490:26-a Court Fees *and Fines; Credit Card Payments*. The supreme court shall establish by rule an equitable fee schedule for all courts in the state ~~[by January 1, 1982]~~. *All court fees and all fines paid into any court may be paid by credit card in lieu of cash payment. The courts shall collect a \$3 processing fee in addition to each fee or fine paid by credit card.*

Conferees: Sens. D'Allesandro, Dist. 20; Clegg, Dist. 14; and Odell, Dist. 8.

Conferees: Reps. Camm, Rock. 8; Almy, Graf. 11; Jasper, Hills. 27; and Hinkle, Hills. 19.

Rep. Camm moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

Rep. Coughlin declared a conflict of interest and did not participate.

COMMITTEE OF CONFERENCE REPORT ON SB 70

Committee of Conference Report on **SB 70**, an act relative to the powers of special corporations.
Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 292:8-1, II as inserted by section 1 of the bill by replacing it with the following:

II. Change its purpose by a majority vote of said corporation. A written notice of the proposed change shall be provided to the director of charitable trusts, department of justice and the notice of proposed changes shall be published in a newspaper of general circulation by the trustees at least 30 days before the vote is taken. The proposed change shall also be submitted for review by the probate court. If legal cause exists which would prevent the proposed change in purpose, the director of charitable trusts shall have 30 days to notify the corporation of any additional requirements. A certified copy of the vote shall be filed in the office of the secretary of state. The fee for recording said certified copy in the office of the secretary of state shall be \$10. Nothing in this paragraph shall be construed to supercede the intent of RSA 7:19 – RSA 7:32-a

Conferees: Sens. Barnes, Dist. 17; Larsen, Dist. 15; and Roberge, Dist. 9.

Conferees: Reps. Hawkins, Hills. 18; Ryder, Hills. 5; Pilotte, Hills. 16; and C. Robertson, Rock. 13.

Rep. Hawkins moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 75

Committee of Conference Report on **SB 75-FN**, an act relative to the statute of limitations for a civil actions based upon a sexual assault case.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 508:4-g, I as inserted by section 1 of the bill by replacing it with the following:

1. Seven years of the person's eighteenth birthday; or

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage

Conferees: Sens. Clegg, Dist. 14; Foster, Dist. 13; and Gottesman, Dist 12 .

Conferees: Reps. Mooney, Hills. 19; Dokmo, Hills. 6; Lasky, Hills 26; and Hunt, Ches. 7.

Rep. Mooney moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 76

Committee of Conference Report on **SB 76**, an act relative to the extension of restraining orders under the domestic violence protection act.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 Applicability. This act shall apply to any order in effect under RSA 173-B:5, VI and RSA 633:3-a, III-c on the effective date of this act as well as any order entered thereafter.

4 Effective Date. This act shall take effect 30 days after its passage.

Conferees: Sens. Foster, Dist. 13; Green, Dist. 6; and Gottesman, Dist 12

Conferees: Reps. Tholl, Coos 2; Welch, Rock. 8; Knowles, Straf. 6; and Villeneuve, Hills. 18.

Rep. Tholl moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

Rep. Coughlin declared a conflict of interest and did not participate.

COMMITTEE OF CONFERENCE REPORT ON SB 108

Committee of Conference Report on **SB 108-FN**, an act relative to newborn screening tests and fees for newborn screening tests.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Boyce, Dist. 4; Roberge, Dist. 9; and Burling, Dist. 5.

Conferees: Reps. MacKay, Merr. 11; Hogancamp, Ches. 4; French, Merr. 5; and Camm, Rock. 8.

Rep. Mackay moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 124

Committee of Conference Report on **SB 124**, an act relative to the regulation of real estate brokers by the real estate commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 331-A:19, II as inserted by section 12 of the bill by replacing it with the following:

II. Upon receiving a completed renewal application, the required fees, ~~[an affidavit from the sponsor of an accredited program attesting to the successful]~~ **certification of completion of [the]** **required** continuing education ~~[requirements]~~ as set by the commission under RSA 331-A:20 and, in the case of a principal or managing broker licensee, evidence that the required bond is in full force and effect, the executive director shall issue the appropriate license for ~~[an additional]~~ **2 consecutive years from the date of expiration.**

Conferees: Sens. Roberge, Dist. 9; Gallus, Dist. 1; and Fuller Clark, Dist. 24.

Conferees: Reps. Nowe, Rock. 9; Coburn, Rock. 4; Hawkins, Hills. 18; and Irwin, Hills. 3.

Rep. Nowe moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

Reps. Baroody, Cady, Coughlin, DeStefano, Dowling, Daniel Eaton, Mirski and Phinizy declared conflicts of interest and did not participate.

COMMITTEE OF CONFERENCE REPORT ON SB 142

Committee of Conference Report on **SB 142**, an act extending the reporting date of the commission to study issues relative to groundwater withdrawals.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Johnson, Dist. 2; Odell, Dist. 8; and D'Allesandro, Dist. 20.

Conferees: Reps. Currier, Merr. 5; Goyette, Hills 27; D.L. Christensen, Hills. 19; and Spang, Straf. 7.

Rep. Currier moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 153

Committee of Conference Report on **SB 153-FN**, an act relative to the administration of certain programs by the department of environmental services.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Revolving Fund; Electronic Media. Amend RSA 21-O:1-a by inserting after paragraph III the following new paragraph:

IV. Producing geologic and other publications in electronic media format. A reasonable charge shall be established for electronic publications

Conferees: Sens. Clegg, Dist. 14; Flanders, Dist. 7; and D'Allesandro, Dist. 20.

Conferees: Reps. N. Allan, Hills. 26; C. Robertson, Rock. 13; P. McMahon, Merr. 3; and F. Sullivan, Hills. 12.

Rep. Nelson Allen moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 163

Committee of Conference Report on *SB 163-FN*, an act establishing the New Hampshire pharmaceutical assistance program.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Certain Prescription Drug Coverage Required. The department of health and human services shall provide "wrap-around" prescription drug coverage to persons who are "dual eligible" for the Medicare and Medicaid programs. For the purposes of this section:

I. On and after the effective date of the Medicare Part D program, no Medicaid prescription drug coverage shall be provided to a Medicaid recipient eligible for Medicare Part D for prescription drugs that are included in the definition of Medicare Part D drugs set forth in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

II. The department of health and human services shall provide "wrap-around" Medicaid coverage for those prescription drugs which are excluded from the definition of Medicare Part D drugs, but are covered by Medicaid prescription drug coverage

Conferees: Sens. Bragdon, Dist. 11; Clegg, Dist. 14; and Larsen, Dist. 15.

Conferees: Reps. Rogers Johnson, Rock. 13; C. McMahon, Rock. 4; Donovan, Sull. 4; and King, Coos 1.

Rep. Rogers Johnson moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 170

Committee of Conference Report on *SB 170*, revising the nurse practice act.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 326-B:4 as inserted by section 1 of the bill by deleting paragraph XIV and renumbering the original paragraph XV to read as paragraph XIV.

Amend the introductory paragraph of RSA 326-B:11, II as inserted by section 1 of the bill by replacing it with the following:

II. An ARNP shall practice within standards consistent with standards established by a national credentialing or certification body recognized by the National Council of State Boards of Nursing and approved by the board in the appropriate ARNP role and specialty. The board shall not approve a new advanced practice specialty category that has not been developed by a national credentialing or certifying body recognized by the National Council of State Board of Nursing without approval of the legislature under RSA 332-G:6. Each ARNP shall be accountable to clients and the board:

Amend the bill by replacing section 14 with the following:

14 Effective Date. This act shall take effect July 1, 2005 at 12:01 a.m.

Conferees: Sens. Kenney, Dist. 3; Martel, Dist. 18; and Fuller Clark, Dist. 24.

Conferees: Reps. Bergin, Hills. 6; Dexter, Ches. 6; Millham, Belk. 5; and Houde-Quimby, Sull. 1.

Rep. Bergin moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 179

Committee of Conference Report on **SB 179**, requiring hunters to report the death or injury of domestic animals.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Roberge, Dist. 9; Gatsas, Dist. 16; and Hassan, Dist. 23.

Conferees: Reps. R. L'Heureux, Hills. 19; Phinizz, Sull. 5; Knox, Carr. 4; and Greco, Merr. 7.

Rep. Robert L'Heureux moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 121

Committee of Conference Report on **SB 121**, an act relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Johnson, Dist. 2; Gallus, Dist. 1; and Flanders, Dist. 7

Conferees: Reps. Currier, Merr. 5; , Russell, Belk. 6; Irish, Sull. 4; and Cilley, Straf. 3.

Rep. Currier moved that the House adopt the Committee of Conference Report.

Rep. Rush spoke against and yielded to questions.

Rep. Cilley spoke against.

Rep. Currier spoke in favor and yielded to questions.

On a division vote, 145 members having voted in the affirmative and 192 in the negative, the Committee of Conference Report failed.

SENATE MESSAGE**ADOPTION OF COMMITTEE OF CONFERENCE REPORTS**

HB 25-FN-A, making appropriations for capital improvements.

HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee.

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry.

HB 204-FN, relative to unauthorized video surveillance.

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county.

HB 326, relative to motorcycle noise levels and mufflers.

HB 357, relative to negligent driving.

HB 381-FN, relative to special elections, voter lists, and conduct of elections.

HB 428, relative to clarifying the authority of the Pease development authority and the division of ports and harbors.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor.

HB 513, relative to on-board diagnostic system inspections.

HB 542, making technical corrections to the uniform trust code.

HB 558, relative to the circumstances constituting sexual assault.

HB 580, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D, and providing joint and several liability on all municipalities from a dissolved solid waste management district.

HB 586, relative to the periodic review of child support guidelines.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities.

HB 692-FN-L, relative to the county department of corrections.

HB 720-FN, relative to special number plates.

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire Day.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (CONT'D)

HB 25-FN-A, making appropriations for capital improvements. (Report printed SJ 06/29/05)
Rep. Chandler moved that the House adopt the Committee of Conference Report.

Rep. Dexter spoke against and yielded to questions.

Reps. Chandler and Cloutier spoke in favor.

Committee of Conference Report adopted.

HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. (Report printed SJ 06/29/05)

Rep. Stohl moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee. (Report printed SJ 06/29/05)

Rep. Dalrymple moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

HB 194, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry. (Report printed SJ 06/29/05)

Rep. Maxfield moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

HB 204-FN, relative to unauthorized video surveillance. (Report printed SJ 06/29/05)

Rep. Tholl moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county. (Report printed SJ 06/29/05)

Rep. Burton Williams moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

HB 326, relative to motorcycle noise levels and mufflers. (Report printed SJ 06/29/05)

Rep. Packard moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

HB 357, relative to negligent driving. (Report printed SJ 06/29/05)

Rep. Packard moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

HB 381-FN, relative to special elections, voter lists, and conduct of elections. (Report printed SJ 06/29/05)

Rep. Drisko moved that the House adopt the Committee of Conference Report.

Rep. Robert Wheeler spoke against and yielded to questions.

Rep. O'Brien spoke in favor.

Rep. Whalley spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

YEAS 154 NAYS 175

YEAS 154

BELKNAP

Allen, Janet
Heald, Bruce
Thomas, John
Whalley, Michael

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Pilliod, James
Tobin, William

Flanders, Donald
Rosen, Ralph
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Olimpio, J Lisbeth

Chandler, Gene
Stevens, Stanley

Knox, J David

McConkey, Mark

CHESHIRE

Emerson, Susan

Hogancamp, Deborah

Hunt, John

Sawyer, Sheldon

COOS

King, Frederick

GRAFTON

Gionet, Edmond
Mirski, Paul
Williams, Burton

Giuda, Robert
Solomon, Peter

Ingbretson, Paul
Sorg, Gregory

Maybeck, Margie
Ward, John

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Brassard, Paul
Christiansen, Lars
Drisko, Richard
Gargas, Carolyn
Graham, John
Hebert, Raymond
Infantine, William
L'Heureux, Robert
McRae, Karen
O'Brien, William
Reeves, Sandra
Souza, Kathleen
Wheeler, James

Allan, Nelson
Bergeron, Jean-Guy
Calawa, Leon Jr
Coughlin, Pamela
Dyer, Donald
Ginsburg, Ruth
Hagan, Barbara
Hellwig, Steve
Jasper, Shawn
Lawrence, James
Mead, Robert
Ober, Lynne
Ryder, Donald
Tahir, Saghir

Balboni, Michael
Bergin, Peter
Carew, James
Crane, Elenore Casey
Elliott, Nancy
Golding, William
Hansen, Ryan
Hinkle, Peyton
Kelly, Eugene Jr
Manney, Pamela
Messier, Irene
Pilotte, Maurice
Scanlon, Michael
Ulery, Jordan

Barry, J Gail
Boehm, Ralph
Carlson, Donald
Desmarais, Vivian
Francoeur, Bea
Gonzalez, Carlos
Hawkins, Ken
Hirschmann, Keith
Kurk, Neal
Matarazzo, Anthony Sr
Mooney, Maureen
Price, Pamela
Slocum, Lee
Villeneuve, Maurice

MERRIMACK

Danforth, James
Langlais, Thomas

Field, William
Marple, Richard

Gile, Mary
Soltani, Tony

Kennedy, Richard

ROCKINGHAM

Allen, Mary
Bridle, Russell
Carson, Sharon
Dumaine, Dudley
Gilbert, Karl
Introne, Robert
Katsakiores, Phyllis
Mason, April
Palazzo, Frank
Robertson, Carl
Smith, Paul
Weyler, Kenneth

Belanger, Ronald
Buxton, Donald
Charron, Gene
Fesh, Bob
Griffin, Mary
Itse, Daniel
Kobel, Rudolph
Nowe, Ronald
Priestley, Anne
Rolston, James
Stiles, Nancy
Wiley, Robert

Bettencourt, David
Cady, Harriet
Coburn, James
Flanders, John Sr
Hopfgarten, Paul
Johnson, Rogers
Lund, Howie
O'Neil, Michael
Quandt, Matthew
Sanders, Elisabeth
Weare, E Albert

Bicknell, Elbert
Camm, Kevin
Dodge, Robert
Garrity, James
Ingram, Russell
Katsakiores, George
Major, Norman
Packard, Sherman
Rausch, James
Scamman, Stella
Welch, David

STRAFFORD

Berube, Roger
Easson, Timothy

Bickford, David
Knowles, William

Cataldo, Sam
Newton, Clifford

Chaplin, Duncan
Twombly, James

SULLIVAN

Donovan, Thomas

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 175**BELKNAP**

Fitzgerald, James	Millham, Alida	Morrison, Gail	Russell, David
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CARROLL

Babson, David Jr	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Martin, James	Merrrow, Harry	Patten, Betsey	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Brundige, Robert	Campbell, David
Chabot, Robert	Chase, Claudia	Christensen, D L Chris	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Movesian, Lori	O'Connell, Timothy	Renzullo, Andrew	Rosenwald, Cindy
Schulze, Joan	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Vaillancourt, Steve	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeStefano, Stephen	Foose, Robert
French, Barbara	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Hess, David	Klose, John	Lockwood, Priscilla	MackKay, James
McMahon, Patricia	Oliver, James	Osborne, Jessie	Owen, Derek
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Whiting, Herbert
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Bishop, Franklin	Blanchard, MaryAnn
Casey, Kimberley	DiFruscia, Anthony	Dowd, John	Flockhart, Eileen
Francoeur, Sheila	Gillick, Thomas	Gould, Kenneth	Headd, James
Hughes, Daniel	Johnson, Robert	Langley, Jane	Moody, Marcia
Norelli, Terie	Powers, James	Putnam, Ed II	Quandt, Marshall Lee
Serlin, Christopher	Splaine, James	Stone, Joseph	Waterhouse, Kevin
Weldy, Norman	Wells, Roger	Winchell, George	Zolla, William

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia

Grassie, Anne
Johnson, Nancy
Schmidt, Peter
Taylor, Kathleen

Heon, Richard
Keans, Sandra
Smith, Marjorie
Wall, Janet

Hilliard, Dana
Rollo, Michael
Snyder, Clair

Hofemann, Roland
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Gale, Harry
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Phinizy, James

and the Committee of Conference Report failed.

(Deputy Speaker Weyler in the Chair)

HB 428, relative to clarifying the authority of the Pease development authority and the division of ports and harbors. (Report printed SJ 06/29/05)

Rep. Graham moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor. (Report printed SJ 06/29/05)

Rep. Currier moved that the House adopt the Committee of Conference Report.

Reps. Babson, Mary Ellen Martin, and Patten spoke against.

Reps. Giuda and Currier spoke in favor and yielded to questions.

Rep. Currier requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

YEAS 96 NAYS 226

YEAS 96

BELKNAP

Boyce, Laurie
Thomas, John

Clark, Charles
Wendelboe, Fran

Flanders, Donald
Whalley, Michael

Rosen, Ralph

CARROLL

None

CHESHIRE

Eaton, Daniel
Robertson, Timothy

Hunt, John
Sawyer, Sheldon

Plifka, Stanley Jr

Roberts, Kris

COOS

King, Frederick

GRAFTON

Gionet, Edmond

Giuda, Robert

Mirski, Paul

Sorg, Gregory

HILLSBOROUGH

Bergeron, Jean-Guy
Campbell, David
Cote, Peter
DeVries, Betsi
Golding, William
Hellwig, Steve
Jasper, Shawn
Mooney, Maureen
Slocum, Lee

Brassard, Paul
Carew, James
Coughlin, Pamela
Emerton, Larry
Goley, Jeffrey
Hinkle, Peyton
Manney, Pamela
O'Brien, William
Ulery, Jordan

Buhlman, David
Chabot, Robert
Craig, James
Francoeur, Bea
Gorman, Mary
Hirschmann, Keith
McRae, Karen
Price, Pamela
Vaillancourt, Steve

Calawa, Leon Jr
Christensen, D L Chris
Crane, Elenore Casey
Gargas, Carolyn
Hawkins, Ken
Infantine, William
Mead, Robert
Renzullo, Andrew
Wheeler, James

MERRIMACK

Currier, David
MacKay, James

Field, William
Marple, Richard

Greco, Vincent
Soltani, Tony

Kennedy, Richard

ROCKINGHAM

Allen, Mary
Bridle, Russell
Charron, Gene
Griffin, Mary
Katsakiores, Phyllis
Palazzo, Frank
Sanders, Elisabeth
Waterhouse, Kevin

Belanger, Ronald
Cady, Harriet
Coburn, James
Itse, Daniel
Major, Norman
Quandt, Marshall Lee
Scamman, W Douglas
Weare, E Albert

Bettencourt, David
Camm, Kevin
Doyle, Christopher
Johnson, Rogers
O'Neil, Michael
Quandt, Matthew
Smith, Paul
Wiley, Robert

Bicknell, Elbert
Carson, Sharon
Fesh, Bob
Katsakiores, George
Packard, Sherman
Rausch, James
Stone, Joseph

STRAFFORD

Cataldo, Sam

Newton, Clifford

SULLIVAN

Donovan, Thomas

Rodeschin, Beverly

NAYS 226**BELKNAP**

Allen, Janet
Nedeau, Stephen
Tobin, William

Fitzgerald, James
Pilliod, James

Heald, Bruce
Russell, David

Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Stevens, Stanley

CHESHIRE

Allen, Peter
Dexter, Judson
Mitchell, Bonnie
Tilton, Anna

Butcher, Suzanne
Dunn, J Timothy
Parkhurst, Henry
Weed, Charles

Butynski, William
Emerson, Susan
Pratt, John

Chase, William
Hogancamp, Deborah
Richardson, Barbara

COOS

Buzzell, Bernard
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Merrick, Scott
Theberge, Robert

Remick, William

GRAFTON

Alger, John
Bleyler, Ruth
Harding, A Laurie
Mulholland, Catherine
Williams, Burton

Almy, Susan
Cooney, Mary
Ingretson, Paul
Naro, Debra

Andersen, Gene
Ham, Bonnie
Maybeck, Margie
Nordgren, Sharon

Benn, Bernard
Hammond, Lee
McLeod, Martha
Solomon, Peter

HILLSBOROUGH

Adams, Jarvis IV
Barry, J Gail
Boehm, Ralph
Cote, David
Drisko, Richard
Essex, David
Graham, John
Harvey, Suzanne
Kopka, Angeline
Lefebvre, Roland
Movsesian, Lori
Reeves, Sandra

Allan, Nelson
Batula, Peter
Brundige, Robert
Daniuk, Caitlin
Dyer, Donald
Foster, Linda
Hagan, Barbara
Hebert, Raymond
Kurk, Neal
Martin, Mary Ellen
O'Connell, Timothy
Rosenwald, Cindy

Balboni, Michael
Beaulieu, Jane
Carlson, Donald
Desmarais, Vivian
Egbers, Fran
Ginsburg, Ruth
Hall, Betty
Irwin, Anne-Marie
L'Heureux, Robert
Matarazzo, Anthony Sr
Ober, Lynne
Ross, Lawrence

Baroody, Benjamin
Bergin, Peter
Chase, Claudia
Dokmo, Cynthia
Elliott, Nancy
Gonzalez, Carlos
Hansen, Ryan
Jean, Claudette
Lasky, Bette
Messier, Irene
Pilotte, Maurice
Ryder, Donald

Scanlon, Michael
Smith, David
Villeneuve, Maurice

Schulze, Joan
Souza, Kathleen
Wheeler, Robert

Shattuck, Gilman
Sullivan, Francis

Shaw, Kimberly
Sullivan, Peter

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Hess, David
McMahon, Patricia
Potter, Frances
Tilton, Joy
Williams, Robert

Blanchard, Elizabeth
Danforth, James
Gile, Mary
Klose, John
Oliver, James
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
Langlais, Thomas
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
Foose, Robert
Hamm, Christine
Lockwood, Priscilla
Owen, Derek
Shurtleff, Stephen
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Dowd, John
Francoeur, Sheila
Gould, Kenneth
Ingram, Russell
Langley, Jane
Norelli, Terie
Robertson, Carl
Splaine, James
Wells, Roger

Asselin, Michael
Casey, Kimberley
Dumaine, Dudley
Garrity, James
Headd, James
Introne, Robert
Lund, Howie
Nowe, Ronald
Rolston, James
Stiles, Nancy
Winchell, George

Bishop, Franklin
DiFruscia, Anthony
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Johnson, Robert
Mason, April
Powers, James
Scamman, Stella
Welch, David
Zolla, William

Blanchard, MaryAnn
Dodge, Robert
Flockhart, Eileen
Gillick, Thomas
Hughes, Daniel
Kobel, Rudolph
Moody, Marcia
Priestley, Anne
Serlin, Christopher
Weldy, Norman

STRAFFORD

Bickford, David
Chaplin, Duncan
Dunlap, Patricia
Hilliard, Dana
Knowles, William
Smith, Marjorie
Twombly, James

Brown, Jennifer
Cilley, Jacalyn
Easson, Timothy
Hofemann, Roland
Rollo, Michael
Snyder, Clair
Wall, Janet

Brown, Julie
Creteau, Irene
Grassie, Anne
Johnson, Nancy
Rous, Emma
Spang, Judith

Brown, Lawrence
Domingo, Baldwin
Heon, Richard
Keans, Sandra
Schmidt, Peter
Taylor, Kathleen

SULLIVAN

Cloutier, John
Gale, Harry
Phinzy, James

Converse, Larry
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Osgood, Philip Sr

and the Committee of Conference Report failed.

(Speaker Scamman in the Chair)

ENROLLED BILL AMENDMENT

HB 2-FN-A, relative to state fees, funds, revenue, and expenditures.

Amendment (2128-EBA)

Amend section 10 of the bill by replacing line 3 with the following:
2003, 223:8 and 2004, 260:9, to read as follows:

Amend RSA 490-D:12 as inserted by section 14 of the bill by replacing line 8 with the following:
at the pleasure of the administrative judge of the judicial branch family division.

Amend subparagraphs III(b) and (c) as inserted by section 123 of the bill by replacing them with the following:

(b) Increasing the utilization of evidence-based medicine and preventive services.

(c) Exploring the feasibility of implementing a pay-for-performance reimbursement methodology.

Amend RSA 318:29-b, II as inserted by section 131 of the bill by replacing line 3 with the following:

or actions which are more stringent than those imposed by the foreign jurisdiction. Amend section 157 of the bill by replacing line 9 with the following: describing this pilot project, the results achieved, and recommendations for future legislative action, if

Amend the bill by replacing all after section 189 with the following:

190 Contingency. If HB 691-FN-LOCAL of the 2005 legislative session takes effect, sections 159-182 of this act shall not take effect. If HB 691-FN-LOCAL does not take effect, section 160 of this act shall take effect January 1, 2006; section 180 of this act shall take effect July 1, 2007; and sections 159, 161-179, and 181-182 of this act shall take effect July 1, 2005.

191 Effective Date.

I. Paragraph I of section 18 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. Sections 6, 53, and 111 of this act shall take effect June 30, 2005.

III. Sections 71, 74, 77, 80, 83, 86, 89, 90, 143, 146, and 149 of this act shall take effect July 8, 2005.

IV. Sections 66, 72, 75, 78, 81, 84, 87, 144, and 147 of this act shall take effect January 6, 2006.

V. Sections 67, 73, 76, 79, 82, 85, 88, 145, and 148 of this act shall take effect July 7, 2006.

VI. Sections 159-182 of this act shall take effect as provided in section 190 of this act.

VII. Section 190 of this act shall take effect upon its passage.

VIII. The remainder of this act shall take effect July 1, 2005.

Adopted.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (CONT'D.)

HB 513, relative to on-board diagnostic system inspections. (Report printed SJ 06/29/05)

Rep. Packard moved that the House adopt the Committee of Conference Report.

Reps. Cady, Kobel and Osgood spoke against.

Rep. Packard spoke in favor.

Rep. Cady requested a roll call; sufficiently seconded.

The question being adoption of the Committee of Conference Report.

YEAS 273 NAYS 35

YEAS 273

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tobin, William	Wendelboe, Fran	Whalley, Michael	

CARROLL

Buco, Thomas	Chandler, Gene	Dickinson, Howard	Knox, J David
McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

CHESHIRE

Butcher, Suzanne	Butynski, William	Chase, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Roberts, Kris	Weed, Charles		

COOS

King, Frederick	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	

GRAFTON

Alger, John	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	Maybeck, Margie
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Solomon, Peter		

HILLSBOROUGH

Allan, Nelson	Balboni, Michael	Baroody, Benjamin	Bergeron, Jean-Guy
Bergin, Peter	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Campbell, David	Carew, James
Carlson, Donald	Chase, Claudia	Christensen, D L Chris	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Egbers, Fran	Elliott, Nancy	Emerton, Larry	Essex, David
Foster, Linda	Francoeur, Bea	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland
Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr	Mead, Robert
Messier, Irene	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly
Slocum, Lee	Smith, David	Sullivan, Francis	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Currier, David	Danforth, James	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Hess, David	Kennedy, Richard	Klose, John
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
McMahon, Patricia	Oliver, James	Osborne, Jessie	Owen, Derek
Potter, Frances	Rush, Deanna	Shurtliff, Stephen	Soltani, Tony
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Whiting, Herbert
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Bettencourt, David	Blanchard, MaryAnn
Bridle, Russell	Buxton, Donald	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	DiFruscia, Anthony
Dodge, Robert	Dowd, John	Doyle, Christopher	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Lund, Howie	Major, Norman	Moody, Marcia
Norelli, Terie	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Powers, James	Priestley, Anne	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Serlin, Christopher	Smith, Paul
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Welch, David
Weldy, Norman	Weyler, Kenneth	Wiley, Robert	Winchell, George
Zolla, William			

STRAFFORD

Bickford, David	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cataldo, Sam	Chaplin, Duncan	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Easson, Timothy	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Knowles, William	Newton, Clifford	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twombly, James	Wall, Janet	

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

NAYS 35
BELKNAP

Tilton, Franklin

CARROLL

Babson, David Jr

Martin, James

CHESHIRE

Sawyer, Sheldon

COOS

Buzzell, Bernard

GRAFTON

Ham, Bonnie

Sorg, Gregory

Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Crane, Elenore Casey
Hirschmann, Keith
Ulery, Jordan

Barry, J Gail
Dyer, Donald
Mooney, Maureen

Batula, Peter
Graham, John
Souza, Kathleen

Chabot, Robert
Hagan, Barbara
Sullivan, Peter

MERRIMACK

Field, William

Ryan, Jim

ROCKINGHAM

Asselin, Michael
Dumaine, Dudley
Splaine, James

Belanger, Ronald
Hopfgarten, Paul
Weare, E Albert

Bicknell, Elbert
Hughes, Daniel
Wells, Roger

Cady, Harriet
Kobel, Rudolph

STRAFFORD

None

SULLIVAN

Osgood, Philip Sr

and the Committee of Conference Report was adopted.

HB 542, making technical corrections to the uniform trust code. (Report printed SJ 06/29/05)

Rep. Hunt moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

HB 558, relative to the circumstances constituting sexual assault. (Report printed SJ 06/29/05)

Rep. Charron moved that the House adopt the Committee of Conference Report.

Rep. Buzzell spoke against.

Rep. Knowles spoke in favor.

On a division vote, 239 members having voted in the affirmative and 56 in the negative, the Committee of Conference Report was adopted.

HB 580, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D. (Report printed SJ 06/29/05)

Rep. Babson moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

HB 586, relative to the periodic review of child support guidelines. (Report printed SJ 06/29/05)

Rep. Bickford moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services. (Report printed SJ 06/29/05)

Rep. Coburn moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities. (Report printed SJ 06/29/05)

Rep. MacKay moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 692-FN-L, relative to the county department of corrections. (Report printed SJ 06/29/05)

Rep. Wearne moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HB 720-FN, relative to special number plates. (Report printed SJ 06/29/05)

Rep. Packard moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire. (Report printed SJ 06/29/05)

Rep. Coughlin moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire Day. (Report printed SJ 06/29/05)

Rep. Paul Smith moved that the House adopt the Committee of Conference Report.
Committee of Conference Report adopted.

INTRODUCTION OF SPECIAL GUESTS

Bruce, David and Christopher Scamman, son and grandsons of Speaker Scamman and Rep. Stella Scamman, guests of the House.

AMENDMENT TO HOUSE RULES

Reps. O'Neil and Craig moved that, as proposed by the Rules Committee, House Rule 64 be amended by adding the following deadlines:

Friday, November 4, 2005 at 3:00 p.m. last day to sign-off all House Bills for 2006 session

Thursday, December 1, 2005 last day to report retained bills

Wednesday, January 4, 2006 last day to introduce House bills for the 2006 session.

Adopted by the necessary two-thirds.

ADJOURNMENT FROM THE EARLY SESSION

Rep. O'Neil moved that the House now adjourn from the early session and that the business of the late session be in order at the present time.

Adopted.

LATE SESSION

UNANIMOUS CONSENT

Reps. Rosen, Paul Smith and Cady addressed the House.

REMARKS

Rep. Mirski requested that the remarks of Rep. Rosen be printed in the Permanent Journal.
Unanimously adopted.

Rep. Rosen: Thank you very much, Mr. Speaker. I will make this very brief. Just some remarks I had hoped to make about four weeks ago, the beginning of June, but scheduling and other things interfered. I just want to remind everybody that June 2nd, June 3rd and 4th — anniversary of the Battle of Midway, the most significant sea battle that the United States has ever been in and some people would argue the most significant sea battle in world history. Now I know there are some of you in this House of Greek ancestry and they will claim that the Battle of Salamis was more important. That's where the Greeks turned back the Persians and protected Europe and the west as a free part of society. Well, more or less free for most of the time since then.

The Battle of Midway was a terrific battle. A few months after the Japs bombed Pearl Harbor, they reassembled a fleet, many aircraft carriers, many other ships and troop transports, and they tried to

take the Island of Midway, the westernmost island in the Hawaiian chain. A terrific battle followed, carrier against carrier. The surface ships didn't get involved. But we won. We lost several carriers, the Japanese lost more, but more importantly, they were convinced that the landing on Midway was going to be a failure and they withdrew. That undoubtedly changed the pace of the war, possibly the outcome. So I thought we should remember it. We did remember D-Day here, but let's remember these battles. This is from an age when we won wars. We haven't done that much lately, so let's remember the Battle of Midway and say, "They did a good job." Thank you very much.

REMARKS

Rep. Bettencourt moved that the remarks of Rep. Paul Smith be printed in the Permanent Journal. Adopted.

Rep. Paul Smith: Thank you, Mr. Speaker, and honorable members of this body for indulging me the opportunity to speak. This is the last time I will be speaking to you. It is with a very heavy heart that I will be resigning my seat in the New Hampshire House very shortly and entering a new phase of my life.

The past three years have been amazing. I have learned a great deal about the state that I love, about the many people who make it up and a good deal about myself as well. I've learned that the relationships that we make here mean more than the votes we sometimes grapple with. I have learned that you can have friends up here, regardless of ideology and vote counts, and at the end of the day, if you can still look yourself in the mirror after voting on some tough issues, then you've served your constituents.

My friends, this last week the U.S. Supreme Court made a decision that some may not know or care about but we should all be affronted. If I, as a city developer, drive down a street and find that a street where you live might make a wonderful shoe store, through eminent domain laws, you can be forced out. I won't pretend that I am as smart as some on the Supreme Court, but I can tell you, I appear to be a lot saner than some of them. Parties don't matter in this discussion, my friends. This is a question of where we as a country seem to be heading. For my friends on the left, I will remind you of what the first liberal, John Locke, said that we humans are entitled to — life, liberty and property. My friends on the right, I will remind you that those words seem to appear a few times in our platform. Honorable representatives of the people, I must leave these hallowed halls just when times seem to be getting stranger. I ask you and I beg you, please keep fighting for the right thing for the constituents of New Hampshire. Democrats, Republicans, Libertarians, Greens, this is a message for all of you. Remember the principles this republic was founded on and keep them alive. Our country won't survive otherwise and I urge you to look at all other republics in world history as example.

As many of you know, I championed a bill this year requiring civics education to graduate high school. This House unanimously agreed with the bill and unfortunately, people across the hall prevailed and the bill died. The point is that I testified about entrusting our future generations to civically educated youth and I worry that this won't happen. But you sitting in these seats, you are the key to ensuring my future, while someday my children will secure their own children's futures. There are some in here that I philosophically disagree with, but someday maybe somebody like Rep. Phinizzy and I will sit down and he will help me understand things more from his perspective and I'll learn a thing or two from him. I believe that we can all learn something from somebody in this House and that's why we are all here.

I must conclude by thanking just a few people, and again, I thank the House for its indulgence. Mr. Speaker, you've exceeded my expectations and I compliment you on the often very tough job you grapple with daily. Mr. Minority Leader, it was a pleasure serving on committee with you and I wish to thank you and compliment you for not standing up and trying to make me feel guilty about being a Republican or casting a vote one way or another as some of your predecessor's have done. To my mentors, Henry, Sheila, Gene, Dave, Rogers, Mike and Maurice Goulet, and others who know who you are, thank you for teaching me how to be an effective legislator who tried not to speak too much, except on the things that really count, like adding "Live Free or Die" to the state flag. Madame Clerk, I just want to thank you with a big hug as I leave the podium in a few moments. Madame Sergeant-at-Arms, thank you for keeping me and all the other rabble rousers in the room in line. I want to thank the intelligent and friendly voters of Auburn and Londonderry who have twice sought fit to send me to Concord. To my home town of Auburn, I will miss you with all my heart. I hope that my travels will again bring me back to Concord to serve the people of the state I love so much. Thank you, Mr. Speaker, for giving me the chance to address this House one last time. God bless you all.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1 and 2.

Rep. Currier, Sen. Clegg for the Committee

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purposes of receiving Senate messages, and completing enrolled bill amendments and enrolled bill reports, at which time the House will adjourn Sine Die.

Reps. Mirski and Kurk spoke against sine die adjournment.

The question now being adoption of the recess motion.

On a division vote, 100 members having voted in the affirmative and 188 in the negative, the motion failed.

Rep. Kurk moved that the House stand in recess for the purposes of receiving Senate messages, and completing enrolled bill amendments and enrolled bill reports, at which time the House will adjourn to the Call of the Chair.

Adopted.

The House recessed at 5:35 p.m.

RECESS

(Rep. Patricia McMahon in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 129, 173, 252, 257, 279, 490, 539, 585 and 597.

Rep. Currier, Sen. D'Allesandro for the Committee

ENROLLED BILL AMENDMENTS

HB 47, regulating the use of computer spyware.

Amendment (1985-EBA)

Amend section 1 of the bill by replacing lines 1-5 with the following:

1 New Chapter; Computer Spyware. Amend RSA by inserting after chapter 359-G the following new chapter:

**CHAPTER 359-H
COMPUTER SPYWARE**

359-H:1 Definitions. In this chapter:

Amend RSA 359-H:1, IV(b)(2) as inserted by section 1 of the bill by replacing line 2 with the following:

the Internet website on the user's computer, including cookies, HTML code, or Java Scripts.

end RSA 359-G:2 as inserted by section 1 of the bill by replacing line 1 with the following:

359-H:2 Prohibited Conduct. A person or entity conducting business in this state, who is not an

Amend RSA 359-G:3 as inserted by section 1 of the bill by replacing it with the following:

359-H:3 Violation; Criminal Penalty. Any person who uses a computer program or spyware in violation of RSA 359-H:2 shall be guilty of a class A misdemeanor.

Amend RSA 359-G:4 as inserted by section 1 of the bill by replacing line 1 with the following:

359-H:4 Limitations on Actions. A person may not bring an action for a violation of this chapter Amend RSA 359-G:5 as inserted by section 1 of the bill by replacing line 1 with the following:

359-H:5 Enforcement; Information Gathering. The house standing committee responsible for Amend RSA 359-G:6 as inserted by section 1 of the bill by replacing lines 1-3 with the following:

359-H:6 Exemption. *A provider of software or provider of interactive computer service shall not be held liable under this chapter for any action voluntarily taken in good faith, or any service provided in good faith, to remove or disable programs used to violate RSA 359-H:2 that reside on the*

Adopted.

HB 170, relative to unemployment compensation.

Amendment (2112-EBA)

Amend RSA 282-A:46, II as inserted by section 4 of the bill by replacing line 1 with the following:

II. Notwithstanding the filing of an appeal, *a certifying officer may* within one year reconsider that part of the

Amend RSA 282-A:91-a, I(a)(1) as inserted by section 6 of the bill by replacing line 3 with the following:

management, or control of the 2 employers, then the unemployment experience attributable to the Amend RSA 282-A:91-a, I(f)(1) as inserted by section 6 of the bill by replacing line 1 with the following:

(f)(1) If a person knowingly violates or attempts to violate subparagraph (a), (b), or (i) or Amend RSA 282-A:166, I(g)-(i) as inserted by section 7 of the bill by replacing them with the following:

(g) Who attempts to induce any individual to waive any right under RSA 282-A; *or*

(h) *Who fails or refuses to file a mass layoff notice under RSA 282-A:45-a, I; or*

(i) *Who violates or attempts to violate RSA 282-A:91-a* shall be guilty of an offense as provided in paragraph II.

Amend RSA 282-A:32, I(d)(2)(D)-(E) as inserted by section 12 of the bill by replacing line 4 with the following:

dependent on him *or her* for support[-];

Adopted.

HB 215-FN, relative to water management and relative to the membership of the exotic aquatic weeds and species committee.

Amendment (1967-EBA)

Amend RSA 488:8, III as inserted by section 1 of the bill by replacing line 4 with the following: this chapter or rules adopted pursuant to this chapter, if the violations have not been mitigated Adopted.

HB 350, relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.

Amendment (2053-EBA)

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Contingency. If HB 404 of the 2005 legislative session becomes law, then RSA 275:48, I(e) as inserted by section 4 of this act shall be renumbered as RSA 275:48, I(f)
Adopted.

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission and relative to surety indemnification bonds.

Amendment (2119-EBA)

Amend RSA 6:12, I(b)(235) as inserted by section 1 of the bill by replacing line 2 with the following: functions fund established under RSA 188-D:8, IX.

Amend section 2 of the bill by replacing lines 2-5 with the following:
by inserting after paragraph VIII the following new paragraph:

IX. Establish and collect reasonable fees related to the performance of its degree-granting and research and studies functions. Such fees shall be deposited into the essential functions fund which shall be administered by the executive director of the postsecondary education
Adopted.

HB 450-FN-A, extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefore.

Amendment (2011-EBA)

Amend section 1 of the bill by replacing line 12 with the following:

the commission shall be filled by the original appointing authority. The commission shall submit a
Adopted.

HB 616-FN-L, reducing the education property tax rate and relative to the calculation of equitable education grants.

Amendment (2117-EBA)

Amend section 17 of the bill by replacing lines 1-4 with the following:

17 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter Amend RSA 194-B:11, I(c) as inserted by section 17 of the bill by replacing line 3 with the following: the distribution of [~~adequacy~~] **equitable education** grants under RSA 198:42 or on such other terms as are mutually Adopted.

HB 637-FN, relative to licensure of alcohol and drug abuse professionals.

Amendment (2075-EBA)

Amend RSA 330-C:9, II(a)(2)(D) as inserted by section 2 of the bill by replacing line 2 with the following: the requirements under subparagraph (a)(2)(B); Adopted.

HB 643-FN, establishing an integrated criminal justice information system.

Amendment (2116-EBA)

Amend RSA 106-J:4, I as inserted by section 2 of the bill by replacing line 2 with the following: business rules established by the board prior to its inclusion in J-One;

Amend RSA 106-J:5, I(f) as inserted by section 2 of the bill by replacing it with the following:

(f) The president of the New Hampshire Association of Chiefs of Police, or designee.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Contingent Renumbering. If SB 46 of the 2005 legislative session becomes law, then all references to RSA 106-J in this act shall be renumbered as RSA 106-K. Adopted.

HB 683-FN, relative to reporting of motor vehicle offenses by driver education instructors and drivers' school licensees.

Amendment (2107-EBA)

Amend RSA 263:46-a, I as inserted by section 2 of the bill by replacing line 6 with the following: district, the licensee or certificate holder shall provide a copy of the notification made to the director Adopted.

RECESS

(Rep. MacKay in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 170, 215, 350, 448, 643, 683, and Senate Bills numbered 21, 46, 52, 74, 115, 132, 152, 168, 186, 201, and 223.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Rep. Buco in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 47, 450, 616 and 637.

Rep. Currier, Sen. D'Allesandro for the Committee

ENROLLED BILL AMENDMENTS

SB 43, relative to the administration of estates of persons presumed dead. (Amendment printed SJ 06/29/05)

Adopted.

SB 153-FN, relative to the administration of a certain program by the department of environmental services. (Amendment printed SJ 06/29/05)

Adopted.

RECESS

(Rep. MacKay in the Chair)

ENROLLED BILL AMENDMENTS

SB 108-FN, relative to newborn screening tests and fees for newborn screening tests. (Amendment printed SJ 06/29/05)

Adopted.

SB 170, revising the nurse practice act. (Amendment printed SJ 06/29/05)

Adopted.

RECESS

(Rep. Patricia McMahon in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 83, 168, 194, 204, 326, 357, 428, 558, 586, 692, 720 and Senate Bills numbered 5, 19, 28, 37, 61, 62, 70, 75, 76, 124, 142, 163 and 179.

Rep. Currier, Sen. D'Allesandro for the Committee

ENROLLED BILL AMENDMENTS

HB 25-FN-A, making appropriations for capital improvements.

Amendment (2129-EBA)

Amend section 2 of the bill by replacing subparagraph I, E with the following:

E. Infrastructure work on the Keene State College and Plymouth State University campuses;
Amend section 5 of the bill by replacing line 1 with the following:

5 Expenditures; General. The appropriation made for the purpose mentioned in sections 1, 3, Amend paragraph IV as inserted by section 6 of the bill by replacing line 4 with the following: most advantageous to the university. If only one bid is received, the board of trustees may Amend paragraph II as inserted by section 15 of the bill by replacing line 1 with the following:

II. To provide funds for the appropriations made in paragraph I of this section, the state treasurer Adopted.

HB 68, relative to the enforcement of disorderly conduct by reason of noise.

Amendment (2043-EBA)

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Disorderly Conduct; Noise. Amend RSA 644:2, by inserting after paragraph III the following new paragraph:

III-a. When noise under subparagraph III(a) is emanating from a vehicle's sound system or any portable sound system located within a vehicle, a law enforcement officer shall be considered a person of average sensibilities for purposes of determining whether the volume of such noise constitutes a breach of the peace, public inconvenience, annoyance, or alarm, and the officer may take enforcement action to abate such noise upon detecting the noise, or upon receiving a complaint from another person.

4 Contingency. If HB 628-FN of the 2005 legislative session becomes law, section 3 of this act shall take effect upon its passage and section 1 of this act shall not take effect. If HB 628-FN of the 2005 legislative session does not become law, section 1 of this act shall take effect upon its passage and section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 1 and 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect upon its passage

Adopted.

HB 293, establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county, and relative to exemptions for disposing of leaf and yard waste.

Amendment (2138-EBA)

Amend RSA 149-M:27, III(a) as inserted by section 6 of the bill by replacing line 1 with the following:

III.(a) No leaf or yard waste shall be disposed of in a solid waste landfill or incinerator

Amend RSA 149-M:27, III(d)(1) as inserted by section 6 of the bill by replacing line 1 with the following:

(1) Posting signs at the facility providing notice of the prohibition against disposing of

Amend RSA 149-M:27, III(d)(2) as inserted by section 6 of the bill by replacing line 2 with the following:

notice of the prohibition against disposing of leaf and yard waste.

Amend RSA 149-M:27, III(d)(3) as inserted by section 6 of the bill by replacing line 1 with the following:

(3) Implementation of a procedure for periodically monitoring incoming waste to

Adopted.

HB 383, relative to vital records administration.

Amendment (2126-EBA)

Amend RSA 5-C:58, VIII as inserted by section 1 of the bill by replacing line 2 with the following:

with a court decree showing that a marriage performed in the state of New Hampshire has been

Amend RSA 5-C:60, I(e) as inserted by section 1 of the bill by replacing line 2 with the following:

Amend RSA 5-C:62, II(q) as inserted by section 1 of the bill by replacing it with the following:

(q) How the body is to be disposed of, to be specified as: burial, cremation, temporary entombment, mausoleum, donation, or other.

Amend RSA 5-C:62, IV(d) as inserted by section 1 of the bill by replacing line 7 with the following:

physician to make an estimation, the time shall be indicated as "unknown." "Unknown a.m." or "unknown p.m."

Amend RSA 5-C:62, IV(e) as inserted by section 1 of the bill by replacing it with the following:

(e) The name, address, title, and license number of the certifier and the date certified.

Amend RSA 5-C:70, III as inserted by section 1 of the bill by replacing lines 5 -6 with the following:

New Hampshire funeral director shall process a burial permit as outlined in RSA 5-C:67 through RSA 5-C:73.

Amend RSA 5-C:71 as inserted by section 1 of the bill by replacing line 2 with the following:

I. When the body of a deceased person is to be disposed of by cremation, the funeral director,

Amend RSA 5-C:71 as inserted by section 1 of the bill by replacing line 7 with the following:

II. Upon receipt, the completed medical examiner's certificate for cremation shall be given by

Amend RSA 5-C:71 as inserted by section 1 of the bill by replacing line 10 with the following:

III. After cremation, the crematory shall forward the medical examiner's certificate for

Amend RSA 5-C:85, II as inserted by section 1 of the bill by replacing line 13 with the following:

records, RSA 5-C:54 for marriage records, and RSA 5-C:94 for death records. If the registrar

Amend RSA 5-C:90, III as inserted by section 1 of the bill by replacing line 2 with the following:

conformance with the retention schedule established by this chapter.

Amend RSA 5-C:102, VII as inserted by section 1 of the bill by replacing line 5 with the following:

town or city, then access shall be denied, and the requestor may appeal the registrar's or clerk's

Amend RSA 6:12, I(b)(38) as inserted by section 2 of the bill by replacing line 1 with the following:

(38) Moneys received by the department of state under RSA 5-C:14, RSA 5-C:[15] **34**.

Amend section 3 of the bill by replacing line 1 with the following:

3 Establishment of Paternity; Reference Change. Amend RSA 168-A:2, I(b) to read as follows:

Amend RSA 290:3 as inserted by section 8 of the bill by replacing line 6 with the following:

accordance with RSA 5-C:[7] 67. In case of a contagious or infectious disease the record shall be Amend RSA 126:24-cc as inserted by section 11 of the bill by replacing line 3 with the following: vital records system. The memorandum shall facilitate a working relationship between the 2 agencies Adopted.

HB 513, relative to on-board diagnostic system inspections and relative to motorcycle inspections.

Amendment (2135-EBA)

Amend section 6 of the bill by replacing paragraph I with the following:

I. RSA 266:1, VII-a(a)(2), relative to stations that inspect less than 200 vehicles Adopted.

HB 542, making technical corrections to the uniform trust code.

Amendment (2141-EBA)

Amend section 4 of the bill by replacing line 1 with the following:

4 Default and Mandatory Rules. Amend RSA 564-B:1-105(b)(8)-(14) to read as follows:

Amend RSA 564-B:8-802(f) as inserted by section 21 of the bill by replacing lines 8-9 with the following:

management services, the trustee at least annually shall notify the persons entitled under RSA [564-A:8-813] **564-B:8-813** to receive a copy of the trustee's annual report of the rate and method by which that

Amend section 28 of the bill by replacing line 1 with the following:

28 Specific Powers of Trustee. Amend RSA 564-B:8-816(a)(14) to read as follows: Adopted.

HB 580, establishing a committee to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D.

Amendment (2132-EBA)

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum Adopted.

HB 640-FN, relative to parental rights and responsibilities.

Amendment (2127-EBA)

Amend RSA 461-A:2, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. Because children do best when both parents have a stable and meaningful involvement in Amend RSA 461-A:2, I(e) as inserted by section 1 of the bill by replacing line 2 with the following: RSA 461A:6 and the safety of the parties in developing a parenting plan.

Amend RSA 461-A:8 as inserted by section 1 of the bill by replacing lines 4-8 with the following:

I. The temporary allocation of parental rights and responsibilities of any minor child as provided in RSA 461-A:6.

II. Payment of temporary support for the child, including the provision of health insurance.

III. If paternity is a contested and relevant issue, orders for paternity testing in

Amend RSA 461-A:10, I as inserted by section 1 of the bill by replacing line 3 with the following: discretion of the court, such orders may be made on a temporary or permanent basis. Temporary orders

Amend section 11 of the bill by replacing line 1 with the following:

11 Child Custody and Support Impact Seminars. Amend the chapter heading of RSA 458-D and RSA 458-D:1 and

Amend RSA 173-B:14, I as inserted by section 13 of the bill by replacing line 6 with the following: interstate family support act pursuant to RSA 546-B; **the court** shall take judicial notice of any support Amend the bill by deleting section 17 and renumbering the original sections 18 - 22 to read as 17-21, respectively.

Adopted.

HB 644-FN, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

Amendment (2140-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.

Amend RSA 21-I:11, XIII as inserted by section 6 of the bill by replacing line 3 with the following:
under RSA 21-I:86.

Amend RSA 21-I:12, II(e) as inserted by section 7 of the bill by replacing line 1 with the following:
(e) Centrally managing all space rented by, or all proposed rentals of space

Amend RSA 21-I:12, VI(b) as inserted by section 7 of the bill by replacing line 2 with the following:
works projects as described in RSA 21-I:78, VII.

Amend RSA 21-I:12, VI(d) as inserted by section 7 of the bill by replacing line 3 with the following:
RSA 21-I:84, I.

Amend RSA 21-I:14, XVI as inserted by section 8 of the bill by replacing lines 1 and 2 with the following:

XVI. Public works services, including bidding for major projects as described in RSA 21-I:78, as authorized by RSA 21-I:80; RSA 21-I:81 and RSA 21-I:82, bidder qualifications, agency requests Amend section 9 of the bill by replacing lines 2-4 with the following:

RSA 21-I:77 the following new subdivision:

Public Works Design and Construction

21-I:78 Definitions. In this subdivision:

Amend RSA 21-I:74 as inserted by section 9 of the bill by replacing lines 1-3 with the following:

21-I:79 Projects Under \$25,000. State projects, as defined in RSA 21-I:78, VII, for which the estimated cost is equal to or does not exceed \$25,000 may be done on a force account basis as defined in RSA 21-I:78, V, or by contracts awarded through competitive bidding administered by the using

Amend RSA 21-I:75 as inserted by section 9 of the bill by replacing line 1 with the following:

21-I:80 Major Projects.

Amend RSA 21-I:76 as inserted by section 9 of the bill by replacing it with the following:

21-I:81 Competitive Bidding. No project subject to the competitive bidding requirements of RSA 21-I:80 shall be awarded to any independent contractor except:

Amend RSA 21-I:77 as inserted by section 9 of the bill by replacing line 1 with the following:

21-I:82 Client Relationship. Without limiting the provisions of RSA 21-I:80 and RSA 21-I:81,

Amend RSA 21-I:78 as inserted by section 9 of the bill by replacing line 1 with the following:

21-I:83 Compliance With Contracts.

Amend RSA 21-I:79 as inserted by section 9 of the bill by replacing line 1 with the following:

21-I:84 General Powers and Duties. The department of administrative services is further

Amend RSA 21-I:79, V as inserted by section 9 of the bill by replacing line 3 with the following:
RSA 21-I:80.

Amend RSA 21-I:79, VI as inserted by section 9 of the bill by replacing line 1 with the following:

VI. Engage in projects as defined in RSA 21-I:78, VII.

Amend RSA 21-I:80 as inserted by section 9 of the bill by replacing line 1 with the following:

21-I:85 Planning and Design Costs. The division of plant and property management and the Amend RSA 21-I:81 as inserted by section 9 of the bill by replacing line 1 with the following:

21-I:86 Public Works Appeals. Appeals by persons aggrieved by decisions of the individual Amend RSA 228:4 as inserted by section 17 of the bill by replacing lines 27 and 28 with the following:

exceed \$5,000,000 may be developed and constructed utilizing the

Amend RSA 228:4 as inserted by section 17 of the bill by replacing lines 47 and 48 with the following:

~~design-build and construction management methods of contracting for any buildings that are part of capital projects. The capital budget overview committee shall approve preliminary plans prior to construction.]~~

Amend RSA 4:40, I as inserted by section 23 of the bill by replacing line 1 with the following:

I. Except as provided in ~~[RSA 4:39-a]~~, RSA 4:39-c, and RSA 204-D, upon recommendation of the head of

Amend the bill by inserting after section 25 the following and renumbering sections 26 and 27 to read as 27 and 28, respectively.

26 References Corrected. RSA 4:40, I is repealed and reenacted to read as follows:

I. Except as provided in RSA 4:39-c, RSA 228:31-b, and RSA 204-D, upon recommendation of the head of any state department having jurisdiction over the same and with the approval of the council on resources and development, all requests for the disposal or leasing of state-owned properties shall be reviewed and approved by the long range capital planning and utilization committee prior to submission to the governor and council for approval. Upon determination that the property is no longer needed by the state, the governor and council shall first offer it to the town, city, or county in which the property is located. If the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real property.

Amend section 28 of the bill by replacing it with the following:

28 Effective Date.

I. Section 26 of this act shall take effect August 30, 2005, at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage

Adopted.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities.

Amendment (2130-EBA)

Amend the bill by replacing paragraph II of section 7 of the bill with the following:

II. Section 6 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect January 1, 2006.

Adopted.

RECESS

(Rep. Patten in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 25, 68, 293, 383, 513, 542, 580, 640, 644, 681 and Senate Bills numbered 43, 108, 153, and 170.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Speaker Scamman in the Chair)

ADJOURNMENT

The House adjourned to the Call of the Chair.

HOUSE JOURNAL No. 21

Wednesday, November 16, 2005

The House assembled at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Karen Maleri, Director of Pastoral Care, Heritage Heights in Concord.

O life-giving Spirit of warmth and comfort, we believe and trust in You. Warm-winged Spirit, brooding over our State of New Hampshire, help us to commit ourselves to work with You. Let the nakedness of St. Clare, the poor one, disarm us and remind us to warm others. May the justice of Sojourner Truth, the free one, lead us with integrity and focus, and may the power of that which is greater than all of us this day enable us to act on behalf of those who live in fear of the dark and the cold. Amen.

Rep. Carl G. Robertson of Exeter led the Pledge of Allegiance.

The National Anthem was sung by Rev. Dr. Regina Shearer, Director of Academic Administration at Rivier College in Nashua.

LEAVES OF ABSENCE

Reps. Chabot, DiFruscia, Goodwin, Knox, Palangas, Philbrick and Weldy, the day, illness.

Reps. Jarvis Adams, Ahlgren, Bergin, Bicknell, Bleyler, Lars Christensen, Stephanie Eaton, Donald Flanders, Golding, Goley, Gonzalez, Grassie, Hollinger, Hopfgarten, Rogers J. Johnson, Keans, MacKay, Mary Ellen Martin, Morneau, Movsesian, Plifka, Rochette, Ross, Rush, Serlin, Sorg, Tahir, Wallner and Wiley, the day, important business.

Reps. Egbers and Itse, the day, illness in the family.

Rep. Whiting, the day, death in the family.

INTRODUCTION OF GUESTS

Elvire, Leniol Jr. and Mike Jeudy, wife and sons of Rep-elect Jeudy. Jean Dowling and David Hoyle, guests of Rep. Price.

COMMUNICATIONS

August 1, 2005

Speaker W. Douglas Scamman

Dear Speaker Scamman:

Effective today I am resigning my seat as State Representative of Hillsborough County, District 10, representing Manchester's Ward 3. I am resigning my seat because I have moved from the District. It has been an honor and pleasure to represent the citizens of Ward 3 and be a part of the New Hampshire House. I would like to thank the entire staff at the House for the courtesies they have extended to me through the last two and one-half terms.

I wish you and all members of the House the best of luck as you finish this current term.

William K. Clayton, Hillsborough 10

August 31, 2005

Speaker Scamman:

It is with great regret that I must tender my resignation from this august body, the New Hampshire General Court, effective immediately. Due to a new employment position, I have moved from my legislative district and pursuant to the New Hampshire Constitution must resign my seat from Rockingham District 3.

The past three years have been enlightening, trying and often emotional, and I would not have done anything differently looking back on my short tenure. I have made wonderful friends on both sides of the center and I encourage all members to do the same. There is a combined wealth of knowledge in the legislature and it would serve us all well if it was put to good use.

I want to thank the people of Londonderry for electing me despite not being from there and I especially want to thank my hometown of Auburn for all that it has done for me for so many years. I wish the Representatives in this hall all the best in the upcoming legislative session and implore you to do what you believe to be right, not what someone with a different license plate than yours suggests. Good luck and God bless.

Paul C. Smith, Rockingham 3

September 12, 2005

The Honorable W. Douglas Scamman, Jr.
Speaker of the House
Dear Mr. Speaker:

It is with great regret that I must resign from the House, effective September 16, 2005. I have thoroughly enjoyed the multi-faceted work of being a State Representative, including introducing many legislative initiatives which passed into law in areas such as forestry, education, recreation, environment and professional engineering. In addition, it has been my great pleasure to assist my constituents in resolving issues of state government. Perhaps most of all, I have met many talented people whose friendship and support have meant a great deal to me. It is now apparent that my affliction has reached the point that will prevent me from participating in the work of the House during the next year. I thank you for your understanding and support.

John R. M. Alger, Grafton 6

September 16, 2005

Honorable W. Douglas Scamman
Speaker, NH House of Representatives
Mr. Speaker:

It is with profound regret that I must step down from the seat as Representative to the General Court, Rockingham District 9, effective September 30, 2005.

It has been a distinct pleasure that I have been given the opportunity to represent the constituents of Rockingham District 9, however, due to circumstances over which I have no control, I must relocate outside of the District.

I shall miss the hallowed halls of the House and I will certainly miss some of the most courteous and dedicated members from both sides of the aisle. I am sure that the State will be in able and good hands as I depart. Many thanks to the leadership and may God bless you all.

Robert K. Dodge, Rockingham 9

The Speaker accepted the resignations with regret.

COMMUNICATION

October 21, 2005

Karen Wadsworth, Clerk of the House.

Please be advised that the following representative-elect was sworn into office by the Governor and Council on this day:

Cheshire County District No. 3, Christopher C. Coates, d, Keene (30 Gilsum Street) 03431
William M. Gardner, Secretary of State
November 16, 2005

Karen Wadsworth, Clerk of the House.

Please be advised that the following representative-elect was sworn into office by the Governor and Council on this day:

Hillsborough County District No. 10, Jean L. Jeudy, d, Manchester (134 Calef Road) 03103
William M. Gardner, Secretary of State

Rep. Craig moved that the Memorial Remarks made by Rep. Robert Barker be printed in the Permanent Journal.

Unanimously adopted.

MEMORIAL REMARKS

Rep. Barker: Thank you, Mr. Speaker. Members of the House of Representatives and their guests, our colleague and friend, my mentor and fellow representative in Grafton District 6, John Rodgers Meigs Alger, died on the 11th of October 2005. He was born on the 30th of December 1927. He was quite proud of the fact that he was related to Horatio Alger and Zachary Taylor and was a member of The Society of the Cincinnati, a hereditary, military and patriotic organization formed by officers of the American Revolution. John Alger graduated from MIT with a Master of Science degree in electrical engineering in 1950. He married Judith Harben on the 22nd of December 1951. He worked for the General Electric Company as an engineer and executive for 38 years. He retired from GE in 1988 and he and Judy made their permanent home in Rumney, New Hampshire where John's parents had established a summer home in 1931 on the East Rumney Road.

My grandfather, who was a professor at Boston University, established a presence in Campton in 1906 when he formed the New England Fruit Company in West Campton. In the early 1960's, my wife and I purchased property on the Bog Road in Campton. Bog Road was the name of the continuation of the same road where John and Judy lived in the neighboring town of Rumney. I did not know John or Judy until my retirement from the Air Force in 1975 when they and we became supporters of the Quincy Bog Natural Area in Rumney. It was Judy Alger who got me interested in Granite State Taxpayers Organization and we both became directors. It was the Algers who recruited me to run for this legislative body. They believed that I could win election in 2000 even though the opposition was incumbent Gary Johnson and former Representative Sid Lovett. I remember the Algers' enthusiastic prodding even though I remained skeptical. I had name recognition but no political experience. Judy Alger campaigned for me during the first election in 2000. We won one of the two seats.

I once told John Alger that during the Korean War, Air Force officers were taught that the intelligent and the lazy were the best commanders. The intelligent and the ambitious were the best staff officers. The indolent and the ignorant could be used for menial tasks. It was the ignorant and the ambitious that screwed everything up. I don't know whether this was World War II or World War I when this came up. John remarked that he was a staff officer and I retorted, "John, you are the ultimate staff officer." Indeed, he was. I would ask, "John, make me smart in three minutes. I don't want to hear the rest of it." He would accept the challenge and make the attempt. Enthusiasm and intelligence are what I remember most about John Alger. He referred to himself as a political junkie. He knew his stuff. He did his homework and he would have the charts and graphs to prove it. Occasionally, I would nudge him and advise, "John, their eyes are glazing over. It's time to go." John Alger was enthusiastic about the printed page, e-mails and getting the last vote. He was unimpressed with my opinion that no politician should win by more than one vote.

John liked to have meetings with his constituents. I warned him about Campton voters but I agreed to set up one at the old town hall which had become the Historical Society. It was advertised in the newspaper. It was a beautiful Saturday. I received a couple of calls asking if I would mind if the caller didn't show up. I said, "Not a bit." My wife brought food and drinks and we sat around with the president of the Historical Society and ate cookies and cake. We waited for the masses to show up and see John's charts and graphs. No one showed up. I remarked, "John, this was the best political meeting I've ever attended." Then we went home.

John and I became quite close during the past decade. John Alger was a gentleman, a scholar and always an engineer. He had the engineer's approach to life and death. We both had cancer at the same time. I had renal cancer and he had prostate cancer. We both wondered how long we would last. When my PSA went up, he sent me a raft of paper that contained more than I wanted, needed to know about prostate cancer. I commented to him that maybe if the doctors would stop fooling around with my rear end, the PSA might go down. John found a paper that agreed. The doctors did and it did. John Alger was a great guy and a good friend. He was always helpful and tried to maintain his sense of humor in spite of my frequent jibes. God speed, John Alger. Good-bye, John Alger. Mr. Speaker, may I request a moment of silence in memory of our colleague, John Rodgers Meigs Alger.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the House Rules be so far suspended as to permit introduction and consideration at the present time and, if adopted, to permit immediate third reading and final passage of **SB 228-FN-A**, making an appropriation for emergency home heating assistance. Adopted by the necessary two-thirds.

RESOLUTION

Introduction having been approved by a two-thirds vote of the House, Reps. O'Neil and Craig offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 228 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF SENATE BILL 228

First and second reading

SB 228-FN-A, making an appropriation for emergency home heating assistance.

CONSIDERATION OF SB 228

SB 228-FN-A, making an appropriation for emergency home heating assistance.

Rep. DeJoie moved Ought to Pass.

Reps. DeJoie and O'Neil spoke in favor and yielded to questions.

Rep. Craig requested a roll call; sufficiently seconded.

The question being adoption the Ought to Pass motion.

YEAS 332 NAYS 4**YEAS 332****BELKNAP**

Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Millham, Alida	Morrison, Gail	Neddeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Martin, James	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		

GRAFTON

Almy, Susan	Andersen, Gene	Barker, Robert	Benn, Bernard
Cooney, Mary	Gionet, Edmond	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	Ingbreton, Paul	Maybeck, Margie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Ward, John	Williams, Burton	

HILLSBOROUGH

Aboshar, Jeffrey	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Campbell, David	Carew, James	Carlson, Donald	Carter, Mark
Chase, Claudia	Christensen, D L Chris	Clark, Mark	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Essex, David	Foster, Linda	Gargas, Carolyn
Gibson, John	Ginsburg, Ruth	Gorman, Mary	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Haley, Robert	Hall, Betty
Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Hunter, Bruce
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Judy, Jean
Johnson, Paula	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lawrence, James	Lessard, Rudy	Manney, Pamela

Matarazzo, Anthony Sr
 Michon, Stephen
 O'Connell, Timothy
 Pilotte, Maurice
 Rosenwald, Cindy
 Schulze, Joan
 Slocum, Lee
 Sullivan, Francis
 Villeneuve, Maurice

McRae, Karen
 Mooney, Maureen
 Ober, Lynne
 Price, Pamela
 Rowe, Robert
 Shattuck, Gilman
 Smith, David
 Sullivan, Peter
 Wheeler, Robert

Mead, Robert
 Moran, Edward
 Pappas, Christopher
 Reeves, Sandra
 Ryder, Donald
 Shaw, Barbara
 Souza, Kathleen
 Ulery, Jordan

Messier, Irene
 O'Brien, William
 Pepino, Leo
 Renzullo, Andrew
 Scanlon, Michael
 Shaw, Kimberly
 Stepanek, Stephen
 Velez, Hector

MERRIMACK

Anderson, Eric
 Clarke, Claire
 DeStefano, Stephen
 Gile, Mary
 Hess, David
 Langlais, Thomas
 McMahon, Patricia
 Potter, Frances
 Shurtleff, Stephen
 Williams, Robert

Blanchard, Elizabeth
 Currier, David
 Field, William
 Greco, Vincent
 Kidder, David
 Lockwood, Priscilla
 Oliver, James
 Reardon, Tara
 Tilton, Joy
 Yeaton, Charles

Bouchard, Candace
 Danforth, James
 Foose, Robert
 Hager, Elizabeth
 Klose, John
 Marple, Richard
 Osborne, Jessie
 Reed, Dennis
 Tupper, Frank

Brueggemann, Donald
 DeJoie, John
 French, Barbara
 Hamm, Christine
 L'Heureux, Stephen
 Maxfield, Roy
 Owen, Derek
 Ryan, Jim
 Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
 Bettencourt, David
 Buxton, Donald
 Carson, Sharon
 Cooney, Richard
 Dumaine, Dudley
 Forsing, Robert
 Gillick, Thomas
 Hughes, Daniel
 Johnson, Robert
 Langley, Jane
 McKinney, Betsy
 Morris, Richard
 Packard, Sherman
 Powers, James
 Quandt, Matthew
 Sanders, Elisabeth
 Stone, Joseph
 Wells, Roger

Allen, Mary
 Bishop, Franklin
 Cady, Harriet
 Casey, Kimberley
 Dalrymple, Janeen
 Fesh, Bob
 Francoeur, Sheila
 Gould, Kenneth
 Hutchinson, Karen
 Katsakiores, George
 Lund, Howie
 McMahon, Charles
 Norelli, Terie
 Palazzo, Frank
 Priestley, Anne
 Rausch, James
 Scamman, Stella
 Waterhouse, Kevin
 Weyler, Kenneth

Asselin, Michael
 Blanchard, MaryAnn
 Cali-Pitts, Jacqueline
 Charron, Gene
 Dowd, John
 Flanders, John Sr
 Garrity, James
 Griffin, Mary
 Ingram, Russell
 Katsakiores, Phyllis
 Major, Norman
 Moody, Marcia
 Nowe, Ronald
 Pantelakos, Laura
 Putnam, Ed II
 Robertson, Carl
 Splaine, James
 Weare, E Albert
 Winchell, George

Belanger, Ronald
 Bride, Russell
 Camm, Kevin
 Coburn, James
 Dowling, Patricia
 Flockhart, Eileen
 Gilbert, Karl
 Headd, James
 Introne, Robert
 Kobel, Rudolph
 Mason, April
 Moore, Benjamin
 O'Neil, Michael
 Parker, Benjamin
 Quandt, Marshall Lee
 Rolston, James
 Stiles, Nancy
 Welch, David
 Zolla, William

STRAFFORD

Albert, Russell
 Brown, Julie
 Cataldo, Sam
 Domingo, Baldwin
 Hilliard, Dana
 Knowles, William
 Rous, Emma
 Spang, Judith

Berube, Roger
 Brown, Lawrence
 Chaplin, Duncan
 Dunlap, Patricia
 Hofemann, Roland
 Miller, Joseph
 Schmidt, Peter
 Taylor, Kathleen

Bickford, David
 Callaghan, Frank
 Cille, Jacalyn
 Easson, Timothy
 Johnson, Nancy
 Newton, Clifford
 Smith, Marjorie
 Twombly, James

Brown, Jennifer
 Campbell, W Packy
 Creteau, Irene
 Heon, Richard
 Kaen, Naida
 Rollo, Michael
 Snyder, Clair
 Wall, Janet

SULLIVAN

Cloutier, John
 Franklin, Peter
 Jillette, Arthur Jr

Converse, Larry
 Gale, Harry
 Osgood, Philip Sr

Donovan, Thomas
 Houde-Quimby, Charlotte
 Phinizy, James

Ferland, Brenda
 Irish, Christopher
 Rodeschin, Beverly

NAYS 4
BELKNAP

Clark, Charles

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Hellwig, Steve

Vaillancourt, Steve

Wheeler, James

MERRIMACK

None

ROCKINGHAM

None

STRAFFORD

None

SULLIVAN

None

and the motion of Ought to Pass was adopted.

Ordered to third reading.

Rep. Barry declared a conflict of interest and did not participate.

Third reading and final passage

SB 228-FN-A, making an appropriation for emergency home heating assistance.

Adopted.

GOVERNOR'S VETO MESSAGE ON HB 354

July 5, 2005

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, on July 1, 2005 I vetoed House Bill 354, an act relative to the review, approval, and adoption of agency rules.

The sponsors of this bill have worked hard to improve the administrative rules process, and I commend them for their efforts. However well intentioned, House Bill 354 has the potential to result in serious unintended consequences, delaying the work of state agencies, increasing inefficiency and causing uncertainty for New Hampshire citizens whose lives are affected by agency rules.

The bill would add another layer of legislative oversight to our already cumbersome administrative rulemaking process. It would allow legislative policy committees –in addition to the Joint Legislative Committee on Administrative Rules – to block agency rules. In some cases, rulemaking could be significantly delayed while the respective legislative policy committees decide whether to block a proposed agency rule.

Our constitution contemplates that our three branches of government should work independently but collaboratively in the best interest of our citizens. I am vetoing House Bill 354 because it creates new layers of bureaucracy that I believe will impede the operation of state government.

I look forward to working with the legislature and state agencies to improve the rulemaking process, making it more efficient and responsive to the needs of our citizens.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 354**, relative to the review, approval, and adoption of agency rules, become law?
 Reps. Dalrymple, Whalley and O'Neil spoke in favor and yielded to questions.
 Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds approval, was taken.

YEAS 203 NAYS 131**YEAS 203****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Heald, Bruce	Millham, Alida	Neddeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Martin, James	McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Roberts, Kris	Sawyer, Sheldon		

COOS

King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Barker, Robert	Gionet, Edmond	Ham, Bonnie	Ingbretson, Paul
Maybeck, Margie	Naro, Debra	Ward, John	Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Carlson, Donald
Carter, Mark	Christensen, D L Chris	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Gargas, Carolyn
Gibson, John	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Hawkins, Ken	Hebert, Raymond	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Hunter, Bruce
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Lessard, Rudy	Manney, Pamela	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	Moran, Edward	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pepino, Leo	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	Field, William
Hager, Elizabeth	Hess, David	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	Marple, Richard
Maxfield, Roy	Oliver, James	Reed, Dennis	

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet

Camn, Kevin
Cooney, Richard
Dumaine, Dudley
Garrity, James
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
Major, Norman
Morris, Richard
Palazzo, Frank
Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin
Weyler, Kenneth

Carson, Sharon
Dalrymple, Janeen
Fesh, Bob
Gilbert, Karl
Headd, James
Introne, Robert
Kobel, Rudolph
Mason, April
Nowe, Ronald
Priestley, Anne
Rausch, James
Scamman, Stella
Weare, E Albert
Winchell, George

Charron, Gene
Dowd, John
Flanders, John Sr
Gillick, Thomas
Hughes, Daniel
Johnson, Robert
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Putnam, Ed II
Robertson, Carl
Stiles, Nancy
Welch, David
Zolla, William

Coburn, James
Dowling, Patricia
Francoeur, Sheila
Gould, Kenneth
Hutchinson, Karen
Katsakiores, George
Lund, Howie
McMahon, Charles
Packard, Sherman
Quandt, Marshall Lee
Rolston, James
Stone, Joseph
Wells, Roger

STRAFFORD

Albert, Russell
Cataldo, Sam
Newton, Clifford

Bickford, David
Chaplin, Duncan
Twombly, James

Brown, Julie
Dunlap, Patricia

Campbell, W Packy
Easson, Timothy

SULLIVAN

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 131 BELKNAP

Morrison, Gail

Pilliod, James

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter
Dunn, J Timothy
Parkhurst, Henry
Tilton, Anna

Butcher, Suzanne
Eaton, Daniel
Pratt, John
Weed, Charles

Butynski, William
Espiefs, Peter
Richardson, Barbara

Coates, Christopher
Mitchell, Bonnie
Robertson, Timothy

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
Hammond, Lee
Nordgren, Sharon

Andersen, Gene
Harding, A Laurie
Sokol, Hilda

Benn, Bernard
McLeod, Martha
Solomon, Peter

Cooney, Mary
Mulholland, Catherine

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
Craig, James
Foster, Linda
Hall, Betty
Judy, Jean
Matarazzo, Anthony Sr
Rosenwald, Cindy
Shaw, Kimberly

Beaulieu, Jane
Clemons, Jane
Daniuk, Caitlin
Ginsburg, Ruth
Harvey, Suzanne
Johnson, Paula
Michon, Stephen
Schulze, Joan
Smith, David

Brassard, Paul
Cote, David
DeVries, Betsy
Gorman, Mary
Irwin, Anne-Marie
Kopka, Angeline
Pappas, Christopher
Shattuck, Gilman
Sullivan, Francis

Campbell, David
Cote, Peter
Essex, David
Haley, Robert
Jean, Claudette
Lasky, Bette
Pilotte, Maurice
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent

Brueggemann, Donald
Foosse, Robert
Hamm, Christine

Clarke, Claire
French, Barbara
McMahon, Patricia

Osborne, Jessie
Ryan, Jim
Walz, Mary Beth

Owen, Derek
Shurtleff, Stephen
Williams, Robert

Potter, Frances
Tilton, Joy
Yeaton, Charles

Reardon, Tara
Tupper, Frank

ROCKINGHAM

Abbott, Dennis
Flockhart, Eileen
Powers, James

Blanchard, MaryAnn
Moody, Marcia
Splaine, James

Cali-Pitts, Jacqueline
Norelli, Terie

Casey, Kimberley
Pantelakos, Laura

STRAFFORD

Berube, Roger
Cilley, Jacalyn
Hilliard, Dana
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Jennifer
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Lawrence
Domingo, Baldwin
Johnson, Nancy
Rollo, Michael
Snyder, Clair

Callaghan, Frank
Heon, Richard
Kaen, Naida
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

and the veto was sustained, lacking the necessary two-thirds vote.

ADJOURNMENT FROM THE EARLY SESSION

Rep. Weyler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time.

Adopted.

LATE SESSION

SUSPENSION OF RULES

Rep. King moved that the Rules be so far suspended to permit extending the report deadline for **HB 638-FN**, relative to county liability for payment of nursing home costs, from December 1, 2005 to December 15, 2005.

Adopted by the necessary two-thirds.

UNANIMOUS CONSENT

Rep. Bettencourt requested Unanimous Consent to address the House.

Without objection, the Speaker ordered the remarks of Rep. Bettencourt to be printed in the Permanent Journal

REMARKS

Rep. Bettencourt: Thank you, Mr. Speaker. Fellow representatives, unfortunately I rise before you this afternoon on a sad note. This past September, the Town of Salem and the State of New Hampshire lost one of its best and brightest citizens. We lost one of our heroes. Sergeant Pierre A. Raymond, an Army Reservist and a graduate of Salem High School, died on September 15, 2005 from injuries sustained from an insurgents attack near Ramadi, Iraq just three days before his 29th birthday. Sgt. Raymond was a member of the Salem High School Class of 1994 where he was a member of the school's Color Guard and was a founding member of the school's Diverse Unity Club. What Pierre Raymond will best be remembered for was his warm friendship, his tolerance and acceptance of others and his love of service. His teachers recalled that the only times he needed refocusing in class was when he was involved in helping others. His classmates remember him as having one of those personalities that filled a room with kindness and compassion.

But he also had a seriousness about him that greatly impressed those around him. In his yearbook profile he philosophized, "You never have to worry about people not liking you because you are different, because the truth is everyone is different." Sgt. Raymond was indeed different. His tolerance of others and his leadership crossed cliquish boundries and inspired those around him.

In addition to his mother, Santana, and his father, David, Sgt. Raymond leaves behind a sister and two brothers. May we always be eternally grateful for the sacrifice of Pierre Raymond and all New

Hampshire heroes who have given the last full measure of devotion to keep us safe and free. May we hold them and their families in our hearts and in our prayers. Freedom is not easy. It comes with a terrible price and we in New Hampshire have seen our share of that sacrifice. Their duty is done, they have paid the ultimate sacrifice and now we can pray they are home. God Bless Sgt. Pierre Raymond and all of New Hampshire's fallen heroes.

Mr. Speaker, I would request a moment of silence.

COMMITTEE ASSIGNMENTS

Rep. Frank J. Palazzo on Legislative Administration; off Ways and Means.

Rep. Leo P. Pepino on Transportation.

Rep. Gilman C. Shattuck on Municipal and County Government.

Rep. John J. Manning off Criminal Justice and Public Safety.

Rep. James W. Danforth on Public Works and Highways.

Rep. Fran Wendelboe on Finance; off Science, Technology and Energy.

Rep. Peter Allen on Science, Technology and Energy; off Ways and Means.

Rep. Jim Ryan on Ways and Means; off Science, Technology and Energy.

Rep. John DeJoie off Executive Departments and Administration.

Rep. Ryan N. Hansen on Science, Technology and Energy.

Rep. Daniel C. Itse on Science, Technology and Energy.

Rep. David J. Bettencourt on Children and Family Law.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill 228.

Rep. Currier, Sen. D'Allesandro for the Committee

ADJOURNMENT

Rep. Weyler moved that the House adjourn to the Call of the Chair.

Adopted.

The Speaker adjourned the House at 2:45 p.m.

CLERK'S NOTE

OUTSTANDING BILLS

At the time of adjournment from the 2005 session, the following bills remained laid on the table in the House:

HB 98, relative to law enforcement authority under the safe schools act.

HB 219, relative to permitting audio and video recording on school buses.

HB 563-FN-A, increasing the tobacco tax.

HR 15, affirming revenue estimates for fiscal years 2005, 2006 and 2007.

At the time of adjournment from the 2005 session, the following bills were not signed off in Committee of Conference:

HB 114, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board.

HB 145, relative to the healthy kids corporation.

HB 230-L, relative to default budgets.

HB 313-FN, relative to registration of business entities.

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds.

HB 366, relative to maintenance of voter checklists.

HB 468, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff.

HB 573, establishing a commission to study automobile recycling issues, including disposal fees.

HB 583, establishing an oversight committee to study medical malpractice insurance rates in this state.

SB 127-FN, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority.

SB 216, establishing a commission to study area agencies.

At the time of adjournment from the 2005 session, the following bills were retained in committee for House action in the second year of the biennium:

- HB 37-FN**, relative to health insurance coverage for full-time students on medical leaves of absence.
- HB 39**, relative to sex education in public schools.
- HB 76**, revising the process of charter school approval by the state board of education.
- HB 77-FN**, relative to geographic location for small group insurance coverage.
- HB 91-FN**, repealing the local property tax exemption for wooden poles and conduits.
- HB 92**, limiting access to certain business records.
- HB 100-FN-A-L**, establishing an education equity index to provide state education assistance to municipalities.
- HB 113**, establishing a committee to study mandatory sentencing in criminal cases.
- HB 115**, allowing pharmacists to establish collaborative practice agreements with medical practitioners.
- HB 116**, relative to changes in eligibility for state programs.
- HB 119-FN**, relative to commercial advertising on toll booths.
- HB 121**, relative to local land use approval for facilities requiring air pollution control permits.
- HB 139**, authorizing the establishment of a moose permit raffle by the fish and game department.
- HB 156**, relative to licensing private investigators.
- HB 159**, relative to insurance coverage for persons having deafness and hearing loss.
- HB 162**, establishing boating speed limits for Lake Winnepesaukee.
- HB 175**, relative to divestiture of PSNH generation assets.
- HB 176**, relative to the provision of rental and lease information of commercial and industrial property to assessing officials.
- HB 184**, eliminating straight ticket voting.
- HB 191-FN**, relative to using school building aid for leased classrooms.
- HB 203-FN**, relative to the use of tracking devices in consumer products.
- HB 221**, relative to eligibility for absentee ballots.
- HB 234-FN**, relative to the development of a state municipal information network by the office of information technology.
- HB 245**, establishing a committee to study property appraisals of features of land and the view from residential property and unimproved land.
- HB 249**, relative to delivery of absentee ballots to city or town clerks.
- HB 250**, permitting certain election day workers to vote by absentee ballot.
- HB 254-FN**, establishing additions to lifetime hunting and fishing licenses for certain activities.
- HB 256**, revising the nurse practice act.
- HB 258-L**, relative to the terms of a collective bargaining agreement in a school district.
- HB 264-FN-A**, making a capital appropriation for the purchase of a boat storage and repair facility in the town of Belmont.
- HB 273-FN**, relative to licenses for persons who are not United States citizens and who are temporarily residing in New Hampshire.
- HB 278**, relative to the alternative budget procedure in school administrative units.
- HB 282**, establishing a committee to study issues relating to voter registration and identification requirements.
- HB 292**, establishing a procedure for a town to withdraw from a 3-town school district.
- HB 297-FN**, relative to charter schools.
- HB 298**, relative to consolidating statutes relating to driving while intoxicated.
- HB 309-FN-A**, establishing a commission to recodify laws relating to financial contributions and disclosures and conflicts of interest and making an appropriation therefor.
- HB 312**, relative to the appointment of parenting coordinators in child custody cases.
- HB 316**, relative to neutral evaluations in child custody cases.
- HB 317-FN**, relative to mooring permits and fees.
- HB 325**, relative to the burden of proof in child abuse and neglect proceedings.
- HB 327**, relative to enforcement of support orders.
- HB 331**, establishing a committee to study stock and working dogs for agricultural purposes.
- HB 334**, relative to consistency of notices in court proceedings.
- HB 345**, requiring photo identification to obtain a ballot.

- HB 347*, requiring proof of identity for voter registration.
- HB 349*, relative to placement and removal of political advertising.
- HB 356*, relative to the presentation of a budget in a joint maintenance agreement.
- HB 373*, relative to eligibility for parole for nonviolent offenders with Immigration and Naturalization Service detainers or deportation orders, or a federal prison sentence.
- HB 374*, establishing a commission on economic independence.
- HB 380*, relative to absentee voting.
- HB 385*, establishing a committee to study the repeal of the felony count for fourth and subsequent DWI offenders.
- HB 391*, relative to voter registration forms for students.
- HB 397*, relative to authority to file an abuse or neglect petition under the Child Protection Act.
- HB 403*, limiting permissible gifts to elected officials.
- HB 410*, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral.
- HB 413*, relative to the appointment of the chief justice of the superior court.
- HB 426*, establishing a committee to study the transfer of a certain employee of the department of environmental services.
- HB 455-FN*, relative to establishing a board of private investigation and security services.
- HB 459*, relative to access to criminal records and enhanced 911 system records and excluding information brokers from private detective licensing.
- HB 470-FN-A*, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.
- HB 471*, relative to probate requirements for small estates.
- HB 473*, relative to the creation of screening panels for medical injury claims.
- HB 482-FN*, relative to the application form for absentee ballots.
- HB 485*, relative to the basis for awarding custody to a stepparent or grandparent.
- HB 489-FN*, relative to disclosing an ownership interest in certain health care facilities and businesses.
- HB 501*, relative to proving qualifications to vote, requiring identification to obtain a ballot, and relative to citizenship on New Hampshire identifications.
- HB 506*, including employees of charitable organizations under the protection of the state law against discrimination.
- HB 508*, relative to ex parte hearings.
- HB 515*, relative to group health insurance coverage for certain entities.
- HB 524*, relative to outsourcing of jobs.
- HB 529*, establishing a presumption in favor of shared parental rights and responsibilities.
- HB 538*, relative to disposing of construction and demolition debris.
- HB 541*, relative to repealing the incorporation of the New Hampshire Bar Association.
- HB 544*, relative to the land and community heritage program.
- HB 553-FN-A*, relative to a state tax on large lottery winnings.
- HB 578*, relative to construction or development constituting a change in use for purposes of assessing the land use change tax.
- HB 579*, relative to motor vehicle inspections.
- HB 581*, relative to approval and review of municipal charters.
- HB 587*, relative to child abuse and neglect investigations by the department of health and human services.
- HB 588*, relative to suspension of drivers' licenses after a motor vehicle accident.
- HB 589*, establishing a committee to study gifts and political contributions.
- HB 590*, excluding stepchildren from the definition of "child" in the context of support orders.
- HB 591*, relative to the calculation of health and dental insurance costs as part of the child support obligation.
- HB 592*, relative to the child support guidelines.
- HB 598-FN*, establishing a full-time financial exploitation coordinator in the department of justice.
- HB 606-FN-A-L*, revising the calculation and distribution of education funding and special education funding.
- HB 607-FN*, relative to gifts to elected officials.
- HB 608-FN*, establishing a right to trial by jury prior to a nonemergency involuntary admission.

HB 610-FN, relative to the right to trial by jury in parental rights termination cases.

HB 614-FN-A-L, providing for state funding of the statewide average education cost per pupil.

HB 621-FN, requiring disclosure of gifts and campaign contributions by lobbyists.

HB 624-FN, relative to penalties in certain health and health-related professions.

HB 626-FN-L, relative to the right-to-know law.

HB 627-FN, relative to raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age.

HB 632-FN-L, creating an environmental policy for New Hampshire.

HB 634-FN-A, establishing a state recycling program to provide technical services to municipalities and establishing a fee on disposable and recyclable goods sold at retail.

HB 638-FN, relative to county liability for payment of nursing home costs.

HB 639-FN, relative to voter registration.

HB 642-FN-L, relative to the regulation of home inspectors.

HB 645-FN, relative to fire-safe cigarettes.

HB 646-FN-L, proposing a definition of an adequate education.

HB 648-FN, relative to reducing frivolous medical injury actions.

HB 649-FN-A-L, relative to the medical examiner's duty to investigate medicolegal cases and the fees for and costs of such investigations.

HB 650-FN-L, revising education funding and distribution and establishing needs-based matching grants.

HB 653-FN-L, relative to bonds for construction, development, improvement, and acquisition of broadband facilities.

HB 654-FN-L, prohibiting the sale or resale of goods or services produced using inmate labor.

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

HB 657-FN-L, relative to promoting community revitalization.

HB 659-FN-A, establishing a state recycling program to provide technical services to municipalities and establishing a fee on take-out food and beverages.

HB 663-FN, establishing a New Hampshire municipal recycling authority and establishing a commission to study the tax exemption for water and air pollution control facilities.

HB 664-FN-L, mandating open enrollment in all school districts.

HB 669-FN, setting the laboratory fee schedule for certain environmental samples.

HB 670-FN-A, relative to the land and community heritage investment program.

HB 673-FN, making it a felony to knowingly transmit the human immunodeficiency virus or hepatitis to another person.

HB 678-FN, relative to the insurance premium tax.

HB 684-FN-L, relative to education funding and the distribution of targeted aid and transition education grants.

HB 685-FN-A, permitting casino gambling.

HB 688-FN, relative to the regulation of mental health practitioners and the procedures of the board of mental health.

HB 689-FN, relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases.

HB 690-FN, relative to medical services for children and pregnant women.

HB 695-FN, requiring the university system of New Hampshire to make payments in lieu of taxes for purchased property.

HB 698-FN, relative to penalty assessments.

HB 703-FN, relative to advertisement of prescription drugs and establishing the pharmaceutical marketing disclosure law.

HB 704-FN, establishing the New Hampshire Rx advantage program and continually appropriating a special fund.

HB 713-FN, relative to a process for the request and disclosure of social security numbers.

HB 715-FN-A, relative to the regulation of bingo and lucky 7.

HB 716-FN, relative to securities regulation.

HB 718-FN-A, relative to group life insurance for New Hampshire citizens serving in the military reserves or national guard and making an appropriation therefor.

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code.

HB 722, relative to the spreading of biosolids in certain designated areas.

HJR 1, recognizing that Kittery, Berwick, and the Piscataqua River are within the boundaries of the state of New Hampshire.

HR 13, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424).

HR 14, supporting Taiwan's participation in the World Health Organization, and supporting the establishment of a Taiwan-United States free trade agreement.

HR 16, requesting that the New Hampshire congressional delegation support optional Social Security personal retirement accounts.

CACR 11, relating to the compensation of the legislature. Providing that legislative members receive a payment for each day of legislative attendance and reimbursement for certain necessary expenses.

CACR 21, relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor.

SB 13, relative to placement and removal of political advertising.

SB 64, establishing a committee to study small group health insurance plans.

SB 72, relative to the licensing of public adjusters.

SB 89-FN, relative to financing federally aided highway projects.

SB 104-FN, relative to the tax exemption for water and air pollution control facilities.

SB 110-FN-A, establishing the New Hampshire Rx plus program for prescription drugs.

SB 128-FN, relative to the establishment of emissions reduction standards as required by the Clean Power Act.

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas.

SB 146-FN-A-L, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices.

SB 147-FN-L, relative to eligibility for local assistance.

SB 148, relative to motorcycle inspections and relative to electronic inspection information.

SB 157-FN, relative to all terrain vehicles used for agricultural purposes.

SB 172, establishing a committee to study a medical fee schedule for workers' compensation.

SB 175, requiring insurance coverage for certified midwives.

SB 206-FN, relative to the state code of ethics and establishing an executive ethics commission.

SB 209-FN, relative to licensing of money transmitters and check cashers.

SB 211-FN, relative to pharmaceutical marketers.

SCR 3, relative to the Boy Scouts of America.

At the time of adjournment from the 2005 session, the following House bills remained in Senate Committees:

HB 66, regulating mandatory overtime for nurses and assistants.

HB 153-FN, relative to the collection of debts owed to the state.

HB 177, relative to home improvement contracts.

HB 270, relative to procedures of the legislative ethics committee.

HB 365, relative to recount fees.

HB 372, relative to notification of interested parties in medical parole cases.

HB 406, revising certain provisions of the home education statutes.

HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications.

HB 505, relative to recording mailing addresses on property deeds.

HB 533-FN, relative to penalties for aggravated felonious sexual assault.

HB 582, relative to the policy for records management.

HB 599-FN, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles.

HB 696-FN, relative to enhanced penalties for certain crimes against the elderly and persons with disabilities.

At the time of adjournment from the 2005 session, the following House bills remained laid on the table in the Senate:

HB 56, relative to food safety in restaurants.

HB 84, relative to compensation of county convention members for county business.

HB 126, relative to a public employee right of free speech.

HB 220, establishing a committee to study the ability of homeless youth in New Hampshire to make a successful transition to adulthood.

HB 294, relative to annulment of arrest records.

HB 301-L, relative to parent advisory councils for pupils with educational disabilities.

HB 339, relative to electioneering at polling places.

HB 371, relative to mercury reduction.

HB 443, relative to the statute of limitations for fire code violations.

HB 498, establishing a study committee relative to the sale of fire-safe cigarettes.

HB 561, relative to reasonable accommodation by employers under the state law against discrimination.

HB 574-FN, requiring the reporting of burn injuries.

HB 604-FN, discontinuing the use of tokens.

HB 611-FN, relative to small group insurers.

HB 702-FN, relative to the screening of medical malpractice claims.

HCR 8, urging the Congress of the United States to place a moratorium on new free trade agreements, to investigate and review current free trade agreements and policies of the United States, to investigate and review participation of the United States with international trade organizations and to ensure that such agreements, policies, and participation are in the best interests of the citizens of the state of New Hampshire and the United States.

Attested by
Karen O. Wadsworth
Clerk of the House

CHAPTER STUDY COMMITTEES AMENDED/REPORT DATES EXTENDED BY 2005 CHAPTERS

COMMISSION TO STUDY CHILD SUPPORT AND RELATED CHILD CUSTODY ISSUES (HB 310, Chapter 277:1, Laws of 2003). Commission extended by HB 450-FN-A, Chapter 256:1, Laws of 2005.

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003). Report date extended by SB 142, Chapter 287:1, Laws of 2005.

COMMITTEE TO STUDY PROPERTY TAX RELIEF INCLUDING REVERSE MORTGAGES (HB 1370, Chapter 88:1, Laws of 2004). Title and duties amended by HB 512, Chapter 63, Laws of 2005.

IMPLEMENTING A RECOMMENDATION OF THE NEW HAMPSHIRE ESTUARIES PROJECT MANAGEMENT PLAN (SB 70, Chapter 236:1, Laws of 2003). Membership amended and reporting date extended by HB 199, Chapter 104:3, Laws of 2005.

STATUTORY COMMITTEES AMENDED

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30). Amended by HB 215-FN, Chapter 240:2, Laws of 2005.

FISCAL COMMITTEE (RSA 14:30-a). Amended by HB 2-FN-A, Chapter 177:11, Laws of 2005.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J). Amended by HB 206, Chapter 77:3, Laws of 2005.

GOVERNOR'S INCENTIVE AND REWARD PROGRAM EVALUATION AND REVIEW COMMITTEE (RSA 99-E). Repealed and reenacted by SB 52:1, Laws of 2005.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13). Amended by HB 691, Chapter 175:20, Laws of 2005. Member of Finance added by HB 2, Chapter 177:21, Laws of 2005.

LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4). Amended by HB 2, Chapter 177:22, Laws of 2005.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:25-a). Amended by HB 99, Chapter 13:4, Laws of 2005.

PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2, I). Member added by SB 23, Chapter 159, Laws of 2005.

SMALL GROUP HEALTH INSURANCE REFORM OVERSIGHT COMMITTEE (RSA 420-G:14-c). Members added and duties added by HB 2, Chapter 177:120, Laws of 2005.

STATUTORY COMMITTEES REPEALED

ADEQUATE EDUCATION AND EDUCATION FINANCING COMMISSION (RSA 198:49). Repealed by HB 616, Chapter 257:22, Laws of 2005.

2005 CHAPTER STUDIES

HB 2-FN-A (Chapter 177:61, Laws of 2005) – DEPARTMENT OF TRANSPORTATION AND LAND AND COMMUNITY HERITAGE INVESTMENT PROGRAM PILOT PROGRAM

Carol A. Murray, Commissioner of Transportation; Alternate: Jeff Brillhart.

Rachel L. Rouillard, Executive Director, Land and Community Heritage Investment Authority.

Sens. Charles W. Morse and Martha Fuller Clark, appointed by the Senate President.

Reps. John A. Graham and Candace C.W. Bouchard, appointed by the Speaker of the House.

HB 2-FN-A (Chapter 177:184, Laws of 2005) – LOCATION OF A SECURE PSYCHIATRIC UNIT STUDY

Reps. Joseph E. Stone, Gene P. Charron and David B. Campbell, appointed by the Speaker of the House.

Sens. Robert K. Boyce, Charles W. Morse and Lou D'Allesandro, appointed by the President of the Senate.

Mrs. Les Dolecal, Concord, designee of the Commissioner of the Department of Corrections.

Richard Kellogg, designee of the Commissioner of the Department of Health and Human Services.

HB 2 (Chapter 177:189, Laws of 2005) – MEDICAID OUTPATIENTS PAYMENT OVERSIGHT COMMITTEE

Reps. Neal M. Kurk, Rogers J. Johnson and Terie N. Norelli, appointed by the Speaker of the House.

Sens. Robert K. Boyce, Charles W. Morse and Lou D'Allesandro, appointed by the President of the Senate.

HB 25 (Chapter 259:16, Laws of 2005) – MONITORING PROGRESS AND IMPLEMENTATION OF ENTERPRISE RESOURCE PLANNING

Rep. James M. Garrity, appointed by the Speaker of the House.

Sen. Robert E. Clegg, Jr., appointed by the President of the Senate.

HB 25 (Chapter 259:21, Laws of 2005) – FUNDING OF MATCHING FUNDS FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES DRINKING WATER AND WASTEWATER STATE REVOLVING FUNDS

Reps. James B. Rausch, Kenneth L. Weyler and Peter H. Allen, appointed by the Speaker of the House.

Sens. Bob Odell, Robert J. Letourneau and Martha Fuller Clark, appointed by the President of the Senate.

HB 25 (Chapter 259:22, Laws of 2005) – STRENGTHENING OF STATE RURAL TRANSIT ROUTES STUDY

Reps. Mark E. McConkey (Public Works) and Edmond D. Gionet (Public Works), appointed by the Speaker of the House.

Sen. Joseph D. Kenney, appointed by the President of the Senate.

HB 111 (Chapter 18:1, Laws of 2005) – ELIMINATION OF CERVICAL CANCER IN NEW HAMPSHIRE

Reps. Fran Wendelboe, Deborah J. Hogancamp, Susan Emerson, Suzanne S. Butcher and Cindy Rosenwald, appointed by the Speaker of the House.

Sens. John T. Gallus and Sylvia B. Larsen, appointed by the President of the Senate.

Kathleen M. Benuck, Bedford, appointed by the American Cancer Society.

Jazmin Miranda-Smith, representative of a woman's health organization, appointed by the Governor.

Leslie Ludtke, designee of the Commissioner of Insurance.

Dr. Oglesby H. Young, III, Concord, gynecologist licensed in New Hampshire, appointed by the Governor.

Jose Thier Montero, designee of the State Epidemiologist.

Shawn LaFrance, Concord and Dr. Suzanne Boulter, appointed by the Governor.

Dr. Diane M. Harper, appointed by the New Hampshire Medical Society.

A licensed family physician, appointed by the New Hampshire Medical Society.

Margaret Franckhauser, licensed registered nurse; Alternate: Doris Nuttelman, appointed by the New Hampshire Nurses Association.

HB 135-FN-A (Chapter 1, Laws of 2005) – FUNDING SOURCES FOR STATE LABORATORIES

Reps. Kenneth L. Weyler (Finance), John A. Graham (Public Works), Peyton B. Hinkle (Ways and Means) and Marjorie K. Smith (Finance), appointed by the Speaker of the House.

Sens. John T. Gallus (Ways and Means) and Robert E. Clegg, Jr. (Finance), appointed by the President of the Senate.

HB 152-FN (Chapter 101:1, Laws of 2005) – USES OF BIODIESEL FOR HOME HEATING AND VEHICULAR TRANSPORTATION

Reps. Sam A. Cataldo, Lynne M. Ober and David E. Essex, appointed by the Speaker of the House.

Sens. Robert B. Flanders, Robert J. Letourneau and Iris W. Estabrook, appointed by the President of the Senate.

HB 157 (Chapter 132:1, Laws of 2005) – PROCUREMENT METHODS FOR PUBLIC WATER PROJECTS BY STATE AND LOCAL GOVERNMENT AGENCIES

Reps. William J. Infantine and Bernard L. Benn, appointed by the Speaker of the House.

Sens. Robert E. Clegg, Jr. and Lou D'Allesandro, appointed by the President of the Senate.

HB 181 (Chapter 8:1, Laws of 2005) – SPECIAL ACCOUNT IN THE NEW HAMPSHIRE RETIREMENT SYSTEM

Reps. Robert L. Wheeler, William R. Zolla (Executive Departments) and Patricia M. McMahon; Alternate: W. Packy Campbell, appointed by the Speaker of the House of Representatives.

Sens. Robert B. Flanders, Sheila Roberge and Lou D'Allesandro, appointed by the President of the Senate.

HB 185 (Chapter 202:1, Laws of 2005) – MAXIMIZING THE INCENTIVES FOR THE VOLUNTARY USE OF RENEWABLE ENERGY IN NEW HAMPSHIRE STUDY

Reps. Sam A. Cataldo, Lee G. Slocum and Suzanne Harvey, appointed by the Speaker of the House.

Sen. Richard P. Green, appointed by the President of the Senate.

HB 194 (Chapter 263:2, Laws of 2005) – REGULATORY PRACTICES PERTAINING TO THE TELECOMMUNICATIONS INDUSTRY

Reps. James M. Garrity, John H. Thomas and Jim Ryan, appointed by the Speaker of the House of Representatives.

Sens. Bob Odell, Robert J. Letourneau and Peter H. Burling, appointed by the President of the Senate.

HB 195 (Chapter 103:1, Laws of 2005) – AWARDING BIDS FOR HEALTH INSURANCE FOR STATE EMPLOYEES BY DEPARTMENT OF INSURANCE

Reps. Robert L. Wheeler, Peter F. Bergin (Executive Departments), Donald H. Flanders (Commerce) and Stephen T. DeStefano, appointed by the Speaker of the House of Representatives.

Sens. Robert B. Flanders, Robert E. Clegg, Jr. and Lou D'Allesandro, appointed by the President of the Senate.

HB 229 (Chapter 78:1, Laws of 2005) – ESTABLISHMENT OF A FARM VIABILITY PROGRAM

Sens. John S. Barnes, Jr., John T. Gallus and Peter H. Burling, appointed by the President of the Senate.

Reps. Timothy D. O'Connell, Burton W. Williams, Shawn N. Jasper, William B. Tobin and Bette R. Lasky, appointed by the Speaker of the House of Representatives.

HB 246 (Chapter 134:1, Laws of 2005) – CLASSIFICATION OF EMPLOYEES AS INDEPENDENT CONTRACTORS

Reps. William J. Infantine, Maureen C. Mooney and Tara G. Reardon, appointed by the Speaker of the House.

Sens. Robert K. Boyce, Peter E. Bragdon and Margaret Wood Hassan, appointed by the President of the Senate.

HB 288-FN (Chapter 136:1, Laws of 2005) – KILLINGTON INCORPORATION COMMISSION

One member, appointed by the Governor.

Sen. Bob Odell, appointed by the Senate President.

Rep. John B. Hunt, appointed by the Speaker of the House of Representatives.

HB 293 (Chapter 265:1, Laws of 2005) – FEASIBILITY OF DEVELOPING A MATERIALS RESOURCE AND RECOVERY FACILITY IN SULLIVAN COUNTY

Rep. Burton W. Williams, member of the House Environment and Agriculture Committee, appointed by the Speaker of the House of Representatives.

Rep. John R. Cloutier, member of the House Public Works and Highways Committee, appointed by the Speaker of the House of Representatives.

Sen. Maggie Wood Hassan, member of the Senate Environment and Wildlife Committee, appointed by the President of the Senate.

Sen. Bob Odell, member of the Senate Energy and Economic Development Committee, appointed by the President of the Senate.

A representative from each municipality in Sullivan County:

Hon. John Tuthill, Actworth Board of Selectmen

Hon. Brenda Ferland, Charlestown Board of Selectmen

Deborah Cutts; Alternate: Roger Formidonna, Claremont City Council

William E. Gallagher, Cornish Board of Selectmen

James C. Harding, Croydon Board of Selectmen

Jay Phinizy, Langdon Board of Selectmen

Richard Fairweather, Board of Selectmen

Gunter Hubert, Newport Board of Selectmen

Anton Moehrke, Plainfield Board of Selectmen

Robert Anderson, Springfield Board of Selectmen

Williard M. Hathaway; Alternates: Mary 'L. Gere and Alysun E. McMahon

Edward G. Thayer, Washington Board of Selectmen

Donald Maurer, designee of the Commissioner of the Department of Environmental Service.

Elizabeth A. Bedard, member of the Northeast Resource Recovery Association.

HB 299 (Chapter 137:1, Laws of 2005) – LAWS GOVERNING LIENS FOR LABOR AND MATERIALS

Reps. William J. Infantine, Jane S. Langley and Benjamin C. Baroody, appointed by the Speaker of the House.

Sens. Robert J. Letourneau, Andre A. Martel and Joseph A. Foster, appointed by the President of the Senate.

HB 307 (Chapter 184:1, Laws of 2005) – FEASIBILITY OF LICENSING RESIDENTIAL BUILDING AND REMODELING CONTRACTORS STUDY

Reps. Ken Hawkins, Pamela V. Manney and Tara G. Reardon, appointed by the Speaker of the House of Representatives.

Sens. Charles W. Morse, Robert E. Clegg, Jr. and David Gottesman, appointed by the President of the Senate.

HB 517 (Chapter 205:1, Laws of 2005) – ISSUES RELATIVE TO CONSTRUCTION AND DEMOLITION WASTE STUDY

Reps. Lawrence C. Ross, Timothy D. O'Connell and Christine C. Hamm, appointed by the Speaker of the House of Representatives.

Sens. John S. Barnes, Jr., John T. Gallus and Martha Fuller Clark, appointed by the President of the Senate.

HB 522 (Chapter 211:1, Laws of 2005) – GAMING OPTIONS FOR NEW HAMPSHIRE

Reps. James M. Fitzgerald, Edmond D. Gionet, David W. Hess, Benjamin C. Baroody and Susan W. Almy, appointed by the Speaker of the House of Representatives, 2 of whom shall be proponents of casino gambling, 2 of whom shall be opponents of casino gambling, and the remaining member shall be initially undecided.

Sens. Charles W. Morse, Lou D'Allesandro, Sheila Roberge, Bob Odell and Sylvia Larsen, appointed by the President of the Senate, 2 of whom shall be proponents of casino gambling, 2 of whom shall be opponents of casino gambling, and the remaining member shall be initially undecided.

HB 580 (Chapter 271:1, Laws of 2005) – PROCEDURES FOR FORMATION AND DISSOLUTION OF SOLID WASTE MANAGEMENT DISTRICTS AND INTERSTATE WASTE COMPACT UNDER RSA 53-B AND RSA 53-D

Sens. Bob Odell and Martha Fuller Clark, appointed by the President of the Senate.

Reps. Beverly T. Rodeschin, Harry S. Gale and Arthur G. Jillette, Jr., appointed by the Speaker of the House of Representatives.

HB 619 (Chapter 145:10, Laws of 2005) – ADDITIONAL WINTER SPORTS TO BE INCLUDED IN THE SKI AREA EXEMPTION FROM LIABILITY AND SKIER SAFETY

Reps. Pamela G. Price, John B. Hunt (Judiciary) and Dennis F. Abbott (Resources), appointed by the Speaker of the House of Representatives.

Sens. John T. Gallus and Carl R. Johnson, appointed by the President of the Senate.

HB 691-FN-L (Chapter 175:15, Laws of 2005) – COMMISSION TO DEVELOP A COMPREHENSIVE STATE MENTAL HEALTH PLAN

Reps. James R. MacKay (Health), Carolyn A. Brown (Health) and Joan H. Schulze, appointed by the Speaker of the House of Representatives.

Sens. Robert E. Clegg, Jr., Andre A. Martel and Lou D'Allesandro, appointed by the President of the Senate.

Paul Gorman, Lebanon and Sue Fox, Concord, appointed by the Community Behavioral Health Association.

John A. Stephen, Commissioner of the Department of Health and Human Services.

Richard E. Kellogg, Director of the Division of Community-Based Care Services of the Department of Health and Human Services.

Chester G. Batchelder, Superintendent of New Hampshire Hospital.

Louis Todd Bickford, Superintendent of the Glencliff Home for the Elderly.

Geoffrey C. Souther, Chief of the Bureau of Behavioral Health, Department of Health and Human Services.

Joyce Jorgenson, Director of the Office of Consumer Affairs, Department of Health and Human Services.

Michael J. Cohen, Executive Director of the National Alliance for the Mentally Ill (NAMI).

Ellen P. Keith, Chocorua, designee of the Executive Director of the Governor's Commission on Disability.

Daniel C. Daniszerski, Laconia and Lisa Norton Mercado, Manchester, representing consumers utilizing mental health services, appointed by the Governor.

Hon. Ruth Bleyler, Lyme, Geri Foucher, Bedford, representing families utilizing mental health services, appointed by the Governor.

Joseph Harding, Director, Office of Alcohol and Drug Policy, Department of Health and Human Services.

Dr. Lisa A. Mistler, appointed by the New Hampshire Psychiatric Society.

Dr. Stephen Bartels, Medical Director, Bureau of Behavioral Health, Department of Health and Human Services.

Wayne Husted, Keene and Nancy Beaudoin, Lebanon, appointed by the Consumer Council.

Mrs. Les Dolecal, Concord, designee of the Commissioner of the Department of Corrections.

Joseph Panerello, Laconia, Superintendent of Belknap County Corrections, appointed by the Governor.

David W. Lynde, West Institute, appointed by the Dartmouth Psychiatric Research Center.

James McCarthy, Dean of the University of New Hampshire, School of Health Sciences.

HB 697-FN (Chapter 73:1, Laws of 2005) – MEDICAID REIMBURSEMENT RATES FOR PHARMACY PROVIDERS

Reps. Fran Wendelboe, Neal M. Kurk and Mary Jane Wallner, appointed by the Speaker of the House of Representatives.

Sens. Robert E. Clegg, Jr. and Andre A. Martel, appointed by the President of the Senate.

SB 5 (Chapter 276:1, Laws of 2005) – COMMISSION TO STUDY THE STATE PARK SYSTEM

Sens. Bob Odell and John T. Gallus, Alternate: Sen. Maggie Wood Hassan, appointed by the President of the Senate.

Reps. Michael O'Neil and David B. Campbell, Alternate: Pamela G. Price, appointed by the Speaker of the House of Representatives.

R. Sean O'Kane, Commissioner of the Department of Resources and Economic Development. Alternate: Allison McLean.

Eight members of the public, appointed by the Governor and council, of whom 6 shall each represent: natural resources, cultural resources, tourism, not-for-profit conservation interests, municipal interests, and motorized outdoor recreational interests, and 2 of whom shall represent the general public.

SB 57 (Chapter 84:1, Laws of 2005) – COMMISSION TO STUDY WAYS TO ALLEVIATE MEDICAL MALPRACTICE PREMIUMS FOR HIGH RISK SPECIALISTS

Sens. Robert B. Flanders and Joseph A. Foster, appointed by the President of the Senate.

Reps. Sheila T. Francoeur, John B. Hunt and A. Laurie Harding, appointed by the Speaker of the House of Representatives.

The Commissioner of the Department of Insurance, or designee.

A representative of the New Hampshire Hospital Association, appointed by the association.

A representative of the New Hampshire Medical Society, appointed by the society.

A representative of the Medical Mutual Insurance Company of Maine, appointed by such company.

A representative of the New Hampshire Medical Malpractice Joint Underwriters Association, appointed by such association.

A representative of the New Hampshire Association of Women's Health, Obstetrics and Neonatal Nurses (NH AWHONN), appointed by the association.

A representative of the Dartmouth Hitchcock Medical Center, appointed by the center.

A representative of the New Hampshire chapter of the American College of Obstetricians and Gynecologists (ACOG), appointed by such association.

SB 66 (Chapter 237:1, Laws of 2005) – JOINT PURCHASING STRATEGIES FOR SMALL BUSINESS HEALTH INSURANCE IN NEW HAMPSHIRE

Sens. Robert B. Flanders, John T. Gallus and Martha Fuller Clark, appointed by the President of the Senate.

Reps. Stephen B. Stepanek, Stephen T. Pelkey and Martha S. McLeod, appointed by the Speaker of the House of Representatives.

SB 83 (Chapter 209:1, Laws of 2005) – ISSUES RELATIVE TO THE COMPREHENSIVE SHORELAND PROTECTION ACT

Sens. Carl R. Johnson and John T. Gallus, appointed by the President of the Senate.

Reps. Michael D. Whalley and David P. Currier, appointed by the Speaker of the House of Representatives.

Collis Adams, designee of the Commissioner of the Department of Environmental Services. Alternate: Rene Pelletier.

Benjamin Frost, designee of Director of the Office of Energy and Planning.

Robert Snelling, member of a regional planning commission, nominated by the New Hampshire Association of Regional Planning Commissions, and appointed by the Governor.

William Smith, representative of the New Hampshire Lakes Association, nominated by the New Hampshire Lakes Association, and appointed by the Governor.

Eric Herr and Michele Grennon, members of the public who are waterfront property owners, appointed by the Governor.

John McPhail, representative of the New Hampshire Farm Bureau Federation, nominated by the New Hampshire Farm Bureau Federation, and appointed by the Governor.

Joe Landers, representative of the Home Builders and Remodelers Association of New Hampshire, nominated by the Home Builders and Remodelers Association of New Hampshire, and appointed by the Governor.

Jeff Schloss, member with estuary experience representing the University of New Hampshire, appointed by the Governor.

Tom Howard, representative of the New Hampshire Association of Realtors, nominated by the New Hampshire Association of Realtors, and appointed by the Governor.

Carol Granfield, representative of a waterfront community, nominated by the New Hampshire Municipal Association, and appointed by the Governor.

Kathryn Nelson, representative of the New Hampshire Rivers Council, nominated by the New Hampshire Rivers Council, and appointed by the Governor.

Tom Hahn, member representing forestry interests, nominated by the New Hampshire Timberland Owners Association, and appointed by the Governor.

George Pellettieri, member who is a landscaping consultant, appointed by the Governor.

Diane Hanley, member representing a conservation commission of a waterfront community, nominated by the New Hampshire Association of Conservation Commissions, and appointed by the Governor.

Paul Goodwin, member from the New Hampshire Marine Trades Association, nominated by the New Hampshire Marine Trades Association, and appointed by the Governor.

Jennifer Patterson, designee of the Attorney General.

James Kennedy, member from the New Hampshire Wildlife Federation, nominated by the New Hampshire Wildlife Federation, and appointed by the Governor.

Stephen Del Deo, member from the New Hampshire Waterworks Association, nominated by the New Hampshire Waterworks Association, and appointed by the Governor.

Cindy Balcus, member from the New Hampshire Association of Natural Resource Scientists, nominated by the New Hampshire Association of Natural Resource Scientists, and appointed by the Governor.

SB 112 (Chapter 44:1, Laws of 2005) – COMMITTEE TO STUDY VIATICAL SETTLEMENTS

Sens. Robert B. Flanders, Sheila Roberge and David M. Gottesman, appointed by the President of the Senate.

Reps. James R. Martin, James F. Headd and Kathleen N. Taylor, appointed by the Speaker of the House of Representatives.

SB 126 (Chapter 45:1, Laws of 2005) – APPEALS PROCESS IN CASES BETWEEN LANDLORDS AND TENANTS STUDY

Sens. Robert K. Boyce and Sheila Roberge, appointed by the President of the Senate.

Reps. Gregory M. Sorg, Fran Wendelboe and Angeline A. Kopka, appointed by the Speaker of the House of Representatives.

SB 171 (Chapter 47:1, Laws of 2005) – HIV/AIDS SERVICE DELIVERY STUDY

Sens. John S. Barnes, Jr., Joseph D. Kenney (Health) and Iris W. Estabrook (Health), appointed by the President of the Senate.

Reps. James R. MacKay (Health), Hector M. Velez and Joan H. Schulze, appointed by the Speaker of the House of Representatives.

SB 215-FN (Chapter 169:1, Laws of 2005) – ALTERNATIVES FOR THE DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS

Sens. John T. Gallus and Martha Fuller Clark, appointed by the President of the Senate.

Reps. Lawrence C. Ross, Timothy D. O'Connell and Christine C. Hamm, appointed by the Speaker of the House of Representatives.

SB 228-FN-A (Chapter 298, Laws of 2005) – LOW-INCOME ELECTRIC ASSISTANCE PROGRAM REVIEW COMMITTEE

Sens. Richard P. Green, John S. Barnes, Jr., Charles W. Morse and Peter Hoe Burling, appointed by the President of the Senate.

Reps. Neal M. Kurk, Sam A. Cataldo, David H. Kidder and James G. Phinizy, appointed by the Speaker of the House of Representatives.

2005 STATUTORY COMMITTEES

RSA 21-H:14-a (Established by HB 382, Chapter 139:1, Laws of 2005) – STRATEGIC CAPITAL PLAN COMMITTEE

Reps. David A. Welch (Criminal Justice), Marshall Lee Quandt, Eric Anderson (Finance), Candace C.W. Bouchard (Public Works) and Laura C. Pantelakos, appointed by the Speaker of the House of Representatives.

Sens. Robert E. Clegg, Jr. and Lou D'Allesandro, appointed by the President of the Senate.

RSA 21-K:23, III (Established by SB 55, Chapter 66:1, Laws of 2005) – FILM AND TELEVISION COMMISSION

Five members appointed by the Commissioner of the Department of Cultural Resources. Three members representing the film and television industry and two members of the general public with an interest in the film industry.

The Commissioner of the Department of Cultural Resources, or designee.

The Commissioner of the Department of Resources and Economic Development, or designee.

The Commissioner of Safety, or designee.

The Executive Director of the Fish and Game Department, or designee.

A representative of the New Hampshire Association of Chamber of Commerce Executives, appointed by that organization.

A representative of the New Hampshire Municipal Association, appointed by that organization.

A representative of the New Hampshire Police Chiefs' Association, appointed by that organization.

Sen. Carl R. Johnson, appointed by the Senate President.

Rep. Sandra J. Reeves, appointed by the Speaker of the House of Representatives.

RSA 91-A:11 (Established by HB 41, Chapter 3:1, Laws of 2005) – RIGHT-TO-KNOW OVERSIGHT COMMISSION

Reps. John H. Thomas, James M. Garrity (Science), John P. Dowd (Municipal) and Peter S. Espieffs (Judiciary), appointed by the Speaker of the House.

Sens. Robert K. Boyce, Peter E. Bragdon and Joseph A. Foster, appointed by the President of the Senate.

John A. Lassey, Manchester, Peter Smith, Durham and James C. Pitts, Bow, appointed by the New Hampshire Municipal Association.

Daniel J. Harkinson, Esq., Rochester, school board member, appointed by the New Hampshire School Boards Association.

Dennis Pope, Concord, School Administrator, appointed by the New Hampshire School Administrators Association.

Carol Holden, Goffstown and James Reams, Kingston, appointed by the New Hampshire Association of Counties.

Ronald F. Rodgers, Durham, Kevin M. Shea, Hampstead, Peter D. Croteau, Pembroke, and Stephen J. Judge, Concord, all appointed by the Governor with the consent of the Council.

M. Kristin Spath, Associate Attorney General, designee of the Attorney General.

RSA 99-E (Reenacted by SB 52:1, Chapter 258:1, Laws of 2005) – STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM

The Director of Personnel, who shall serve as chairperson.

The Commissioner of Administrative Services, or designee.

Two state employee members, appointed by the Governor, one of whom shall be selected from a list provided by a certified public employee bargaining unit, who shall serve 2-year terms, unless either member ceases to be an employee of the state, in which case his or her term shall automatically expire and a successor shall be appointed for a 2-year term.

Sen. Robert K. Boyce, appointed by the Senate President, who shall serve a term coterminous with the member's legislative term.

Rep. James B. Coburn, appointed by the Speaker of the House of Representatives.

RSA 126-H:9 (Established by HB 2, Chapter 177:121, Laws of 2005) – HEALTHY KIDS CORPORATION REFORM OVERSIGHT COMMITTEE

Reps. David H. Kidder, Elizabeth S. Hager, Stella Scamman, Clifford A. Newton and Peter E. Franklin, appointed by the Speaker of the House of Representatives.

Sens. Robert E. Clegg, Jr., Theodore L. Gatsas, Robert K. Boyce, Bob Odell and Sylvia B. Larsen, appointed by the President of the Senate.

RSA 261:90-a (Established by HB 720-FN, Chapter 295:2, Laws of 2005) – OFFICIAL COVER PLATE ADVISORY COMMITTEE

Richard E. Amidon, designee of the Speaker of the House of Representatives.

Thomas R. Eaton, President of the Senate.

Councilor Ruth L. Griffin, appointed by majority vote of the Governor's Council.

RSA 266:59-b, VII (a) (Established by HB 513, Chapter 296:3, Laws of 2005) – OBD 11 TESTING ADVISORY COMMITTEE

Reps. Sherman A. Packard, Stephen H. Nedeadu and Brenda L. Ferland, appointed by the Speaker of the House of Representatives.

Sens. Charles W. Morse, Robert J. Letourneau and Peter Hoe Burling, appointed by the President of the Senate.

Mark P. Hodgdon, Sr., appointed by the Attorney General.

Michael Fitzgerald, designee of the Commissioner of Environmental Services.

One member nominated by the New Hampshire Automobile Dealers Association and appointed by the Governor.

One member nominated by the New Hampshire Motor Transport Association and appointed by the Governor.

RSA 519-B:11 (Established by SB 214, Chapter 197:1, Laws of 2005) – MEDICAL MALPRACTICE AND INSURANCE OVERSIGHT COMMITTEE

Sens. Robert B. Flanders, Robert J. Letourneau, David Gottesman and Joseph A. Foster, appointed by the Senate President.

Reps. Sheila T. Francoeur (Commerce), Fran Wendelboe (Health), John B. Hunt (Judiciary) and Joan H. Schulze, appointed by the Speaker of the House.

RESIGNATIONS, DEATHS, SPECIAL ELECTIONS**RESIGNED**

03/09/2005	Hills. 01	Elliott, Larry G., r
04/15/05	Ches. 03	Sinclair, Stephanie C., d
05/17/05	Hills. 07	Baines, Stephen A., r
08/01/05	Hills. 10	Clayton, William K., d
08/31/05	Rock. 03	Smith, Paul C., r
09/16/05	Graf. 06	Alger, John R.M., r
09/30/05	Rock. 09	Dodge, Robert K., r

SPECIAL ELECTIONS

3/23/05	Straf. 03	Brown, Lawrence D., d
3/23/05	Sull. 04	Osgood, Philip G., Sr., r
6/22/05	Hills. 01	Shattuck, Gilman C., d
10/04/05	Ches. 03	Coates, Christopher, d
11/16/05	Hills. 10	Jeudy, Jean L., d

PARTY BREAKDOWN ON THE 400 SEATS

Republicans:	223 R	24 R&D	=	247
Democrats:	135 D	14 D&R	=	149
Currently elected and qualified:			=	396
Vacancies: Resignations 4, Deaths 0			=	004
Total Seats:			=	400
Men: 272, Women: 124				

TABLE OF REFERENCES
FROM CHAPTER OF 2005 LAWS TO BILL NUMBERS

Chapter	Bill Number	Chapter	Bill Number	Chapter	Bill Number
1	HB 135-FN-A	51	HB 141-L	101	HB 152-FN
2	SJR 1	52	HB 210-FN	102	HB 174
3	HB 41	53	HB 216-FN	103	HB 195
4	HB 74	54	HB 247	104	HB 199
5	HB 95	55	HB 263	105	HB 236
6	HB 107	56	HB 268-FN	106	HB 244-FN
7	HB 150	57	HB 280	107	HB 275
8	HB 181	58	HB 304-FN-A	108	HB 286
9	HB 223	59	HB 386	109	HB 329
10	HB 308	60	HB 389	110	HB 346-L
11	HB 445	61	HB 480	111	HB 362
12	HB 540-FN	62	HB 483	112	HB 456-FN
13	HB 99	63	HB 512	113	HB 467
14	HB 40	64	SB 41	114	HB 487-FN
15	HB 53	65	SB 49-FN	115	HB 547-FN
16	HB 58	66	SB 55	116	HB 568
17	HB 87	67	SB 59	117	HB 625-FN-L
18	HB 111	68	SB 60	118	HB 672-FN
19	HB 124	69	SB 98-FN	119	HB 710-FN
20	HB 148	70	SB 106-FN	120	SB 17
21	HB 160	71	HB 348	121	SB 85
22	HB 171	72	HB 414	122	SB 93-FN
23	HB 242	73	HB 697-FN	123	SB 145-FN
24	HB 266	74	SB 45-L	124	SB 150-FN
25	HB 277	75	SB 65	125	SB 156-FN
26	HB 340	76	SB 182-FN	126	SB 192
27	HB 444	77	HB 206	127	SB 203
28	HB 446	78	HB 229	128	SB 222-FN
29	HB 457	79	HB 311-L	129	SB 224
30	HB 462	80	HB 408	130	SJR 2
31	HB 504	81	HB 447-FN	131	SB 30
32	HB 560	2	SB 20-FN	132	HB 157
33	HB 570	83	SB 40	133	HB 60-FN-A
34	HB 401-FN-A	84	SB 57	134	HB 246
35	HB 147	85	SB 58-FN	135	HB 267
36	HB 38	86	SB 87	136	HB 288-FN
37	HB 71-FN-A-L	87	SB 117-FN	137	HB 299
38	HB 144-L	88	SB 120	138	HB 332
39	HB 265	89	SB 141-L	139	HB 382
40	HB 499	90	SB 167	140	HB 394
41	HB 521	91	SB 189	141	HB 432-FN
42	HB 532	92	SB 208-FN	142	HB 440
43	HB 546	93	SB 212	143	HB 449-FN
44	SB 112-FN	94	SB 219-FN	144	HB 584
45	SB 126	95	SB 227	145	HB 619-FN
46	SB 138-L	96	SB 202	146	SB 11-FN
47	SB 171	97	HB 687-FN	147	SB 39
48	HB 86	98	HB 59-FN-L	148	HB 214
49	HB 97	99	HB 78-FN-L	149	HB 303-FN
50	HB 138-FN	100	HB 118	150	HB 411

Chapter	Bill Number	Chapter	Bill Number	Chapter	Bill Number
151	HB 420	201	HB 112	251	SB 152
152	HB 421	202	HB 185	252	SB 168
153	HB 430-FN-A	203	HB 260-FN	253	SB 186
154	HB 465-FN	204	HB 353	254	SB 201
155	HB 469	205	HB 517	255	SB 223
156	HB 472	206	HB 623-FN	256	HB 450-FN-A
157	HB 514	207	HJR 3	257	HB 616-FN-L
158	HB 603-FN-A	208	SB 38-FN	258	SB 52
159	SB 23	209	SB 83	259	HB 25
160	SB 54	210	SB 226	260	HB 68
161	SB 77	211	HB 522	261	HB 83
162	SB 78	212	SB 164-FN	262	HB 168
163	SB 88	213	HB 102-FN-A	263	HB 194
164	SB 90-FN-A-L	214	HB 439	264	HB 204-FN
165	SB 105	215	HB 477-FN	265	HB 293
166	SB 165-FN	216	HB 510	266	HB 326
167	SB 173	217	HB 511	267	HB 357
168	SB 187	218	HB 647-FN	268	HB 383
169	SB 215-FN	219	HB 651-FN-L	269	HB 428
170	HB 205	220	SB 53-FN	270	HB 542
171	HB 429	221	SB 73	271	HB 580
172	HB 491	222	SB 79	272	HB 586
173	HB 315	223	SB 86	273	HB 640-FN
174	HB 478-FN-A	224	SB 111	274	HB 681-FN
175	HB 691-FN-A	225	SB 125	275	HB 692 FN-L
176	HB 1-A	226	SB 188	276	SB 5
177	HB 2-FN-A	227	SB 199	277	SB 19
178	HB 132	228	HB 129-FN-L	278	SB 28
179	HB 158	229	HB 173	279	SB 37
180	HB 248	230	HB 252	280	SB 43
181	HB 259	231	HB 257	281	SB 62-FN
182	HB 261	232	HB 279	282	SB 70
183	HB 269	233	HB 490	283	SB 75-FN
184	HB 307	234	HB 539-FN-A-L	284	SB 76
185	HB 415	235	HB 585	285	SB 108-FN
186	HB 424-FN	236	HB 597-FN-A	286	SB 124
187	HB 437	237	SB 66	287	SB 142
188	HB 549	238	HB 47	288	SB 153-FN
189	HB 557	239	HB 170	289	SB 179
190	HB 602-FN-A	240	HB 215-FN	290	HB 558
191	HB 618-FN-L	241	HB 350	291	HB 644-FN
192	HB 628-FN	242	HB 448-FN	292	SB 61
193	SB 63	243	HB 637-FN	293	SB 170
194	SB 91-FN	244	HB 643-FN	294	SB 163-FN
195	SB 113-FN	245	HB 683-FN	295	HB 720-FN
196	SB 137-FN-A	246	SB 21	296	HB 513
197	SB 214	247	SB 46	297	HB 404
198	HB 125	248	SB 74	298	SB 228-FN-A
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2005

HOUSE JOURNAL NUMERICAL INDEX

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HB	House Bill
HJR	House Joint Resolution
HCR	House Concurrent Resolution
HR	House Resolution
SB	Senate Bill
SJR	Senate Joint Resolution
SCR	Senate Concurrent Resolution
CACR	Constitutional Amendment Concurrent Resolution

To find a bill by its subject see the Subject Index immediately following this NUMERICAL Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
Criminal Justice	referred to Criminal Justice and Public Safety committee
enr	enrolled
Exec Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
Finance	referred to Finance Committee
intro	introduced, introduction
IP	indefinitely postponed
K	killed (Inexpedient to Legislate)
LT	laid on the table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
ret	retained
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
vac	vacate
Ways & Means	referred to Ways and Means committee
wthd	withdrawn

2005 SESSION

HOUSE BILLS

- HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2006 and June 30, 2007. (King, Coos 1: Finance)
268, rules suspended 459, am (5RCs) 592-608, psd 679, nonconc S am, conf 890, 891, 922, rep adop (RC) 929-932, enr 951 (Chapter 176)
- HB 2-FN-A**, relative to state fees, funds, revenue, and expenditures. (King, Coos 1: Finance)
324, rules suspended 459, am (2RCs) 609-630, psd 679, nonconc S am, conf 890, 891, 919, 922, S adop rep 929, rep adop (RC) 932-934, enr am 945-946, enr 951, committees amended 974, appointments 974-975, 981 (Chapter 177)
- HB 3-24** not introduced
- HB 25-FN-A**, making appropriations for capital improvements. (Chandler, Carr 1: Public Works and Highways)
268, rules suspended 330, am & Finance 419-421, rules suspended 459, am 577-579, psd 581, nonconc S am, conf 890, 891, rep adop 939, 940, enr am 954, enr 958, appointments 975 (Chapter 259)
- HB 26-30** not introduced
- HB 31-FN-A**, relative to state matching funds for Federal Emergency Management Agency disaster assistance grants and making an appropriation therefor. (Phinizy, Sull 5; et al: Finance)
10, K 362
- HB 32**, establishing a committee to study the feasibility of implementing the Second Chance drug rehabilitation program in the New Hampshire prison system. (P. Katsakiores, Rock 5; et al: Criminal Justice and Public Safety)
10, am 94, psd 122, S nonconc 681
- HB 33**, establishing retainage procedures for public contracts. (Ross, Hills 3; et al: Executive Departments and Administration)
new title: relative to the study of state retainage practices.
10, am 85-86, psd 121, S nonconc 702
- HB 34**, relative to certain land sales in towns with planning boards. (Weyler, Rock 8; et al: Municipal and County Government)
10, K 373
- HB 35**, relative to bank reserve and lending procedures. (Marple, Merr 9; et al: Commerce)
10, rem 83, K 115
- HB 36**, establishing a committee to study the location of transitional housing for the New Hampshire hospital. (MacKay, Merr 11: Public Works and Highways)
10, K 46
- HB 37-FN**, relative to health insurance coverage for full-time students on medical leaves of absence. (Infantine, Hills 13; et al: Commerce)
10, ret 969
- HB 38**, relative to credit card theft. (Marshall Quandt, Rock 13; et al: Criminal Justice and Public Safety)
new title: relative to theft of personal checks and credit cards.
10, rem 270, am 310, psd 325, S conc 680, enr 702 (Chapter 36)
- HB 39**, relative to sex education in public schools. (Albert, Straf 1; et al: Education)
10, ret 969
- HB 40**, relative to inspection dates for certain vehicles. (Drisko, Hills 5; et al: Transportation)
10, psd 93, 122, S conc 680, enr 683 (Chapter 14)

- HB 41**, relative to the right-to-know study commission. (Thomas, Belk 5; et al: Judiciary)
new title: relative to the right-to-know oversight commission.
10, am 89-90, psd 122, S conc 582, enr 681, appointments 981 (Chapter 3)
- HB 42**, establishing a statutory joint committee to review and propose changes to state unclassified officers' salaries. (Dodge, Rock 9; et al: Executive Departments and Administration)
10, psd 86, 121, S nonconc 681
- HB 43**, clarifying the penalty provision of the law relative to lobbyists. (MacKay, Merr 11; et al: Legislative Administration)
new title: relative to state employees appearing before the legislature.
10, am 154-155, psd 173, S conc 724, enr am 920, enr 923 (Chapter 199)
- HB 44**, allowing municipalities to require certain current use landowners to file a bond for the payment of the land use change tax. (Babson, Carr 3: Municipal and County Government)
10, K 90
- HB 45**, relative to combining water department funds and sewer department funds. (B. Williams, Graf 8; et al: Municipal and County Government)
10, K 155
- HB 46-FN**, relative to penalties for first-time DWI offenders. (Welch, Rock 8; et al: Criminal Justice and Public Safety)
10, am 161, psd 173, S nonconc 681
- HB 47**, regulating the use of computer spyware. (Maxfield, Merr 6; et al: Science, Technology and Energy)
10, am 157-160, psd 173, conc S am 914, enr am 951, enr 953 (Chapter 238)
- HB 48**, establishing a committee to study ballot reform. (Weed, Ches 3; et al: Election Law)
10, K 473
- HB 49**, establishing an independent legislative redistricting commission. (Weed, Ches 3; et al: Election Law)
10, K (RC) 94-97
- HB 50** not introduced
- HB 51**, establishing a committee to study the feasibility of imposing a luxury sales tax and an amusements tax. (Weed, Ches 3; et al: Ways & Means)
10, K (RC) 556-559
- HB 52**, allowing municipalities to grant an additional exemption amount to disabled persons for their dependent children. (McKinney, Rock 3: Municipal and County Government)
10, K 155
- HB 53**, repealing a 1901 law relating to the apportionment of library funds in the town of Haverhill. (Ingbreton, Graf 5; et al: Municipal and County Government)
10, psd 90, 122, S conc 680, enr 683 (Chapter 15)
- HB 54**, relative to responsibility for child passenger restraints. (Knowles, Straf 6; et al: Transportation)
10, K (RC) 106-109
- HB 55-FN-A**, relative to industrial hemp and establishing an industrial hemp special program fund. (Owen, Merr 4; et al: Environment and Agriculture)
10, am (RC) 295-299, psd & recon rej 325, S nonconc 702
- HB 56**, relative to food safety in restaurants. (Pilliod, Belk 5; et al: Executive Departments and Administration)
10, am 482-484, psd 516, S LT, Clerk's note 973

- HB 57**, relative to the burning of construction and demolition debris. (Owen, Merr 4; et al: Science, Technology and Energy)
11, K (2RCs) 235-240
- HB 58**, relative to the effective date for the elimination of certain substances from gasoline supplies. (Owen, Merr 4; et al: Science, Technology and Energy)
new title: relative to the effective date for the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program.
11, am 106, psd 122, S conc 680, enr 683 (Chapter 16)
- HB 59-FN-L**, relative to municipal responsibility for septage disposal. (Camm, Rock 8: Resources, Recreation and Development)
11, am & Finance 200, rules suspended 459, psd 573, 580, S conc 831, enr 833 (Chapter 98)
- HB 60-FN-A**, relative to reimbursement of legal fees of the commissioner of the department of administrative services and making an appropriation therefor. (R. Wheeler, Hills 7; et al: Finance)
11, am 132, psd 142, S conc 723, enr 764 (Chapter 133)
- HB 61**, extending the family law task force. (Gargasz, Hills 5; et al: Children and Family Law)
11, am 178, psd 265, S nonconc 833
- HB 62-FN**, relative to the Social Security offset in the calculation of state retirement system annuities. (Pilotte, Hills 16; et al: Executive Departments and Administration)
11, K 42
- HB 63**, establishing a committee to study the feasibility of requiring that liquor brought into the state of New Hampshire be brought in through the port of Portsmouth. (Pantelakos, Rock 16; et al: Commerce)
11, K 83
- HB 64**, establishing a committee to study assessing local education costs on a county-wide basis. (T. Robertson, Ches 3; et al: Municipal and County Government)
11, K 91
- HB 65**, allowing licensed barbers and cosmetologists to employ shampoo assistants. (P. Katsakiores, Rock 5; et al: Executive Departments and Administration)
11, K 86
- HB 66**, regulating mandatory overtime for nurses. (Osborne, Merr 12; et al: Labor, Industrial and Rehabilitative Services)
new title: regulating mandatory overtime for nurses and assistants.
11, am 520, psd 569, S Com 833, 972
- HB 67**, prohibiting excessive overpricing of essential commodities during a declared state of emergency. (Osborne, Merr 12; et al: Commerce)
11, rem 83, K 115
- HB 68**, relative to the enforcement of disorderly conduct by reason of noise. (Hunter, Hills 7; et al: Criminal Justice and Public Safety)
11, am 343, psd 457, conc S am 894, enr am 954-955, enr 958 (Chapter 260)
- HB 69**, relative to property rights and large groundwater withdrawals. (Cady, Rock 1; et al: Resources, Recreation and Development)
new title: relative to large groundwater withdrawals.
11, am 533-534, psd 569, conc S am 847, enr 918 (Chapter 200)
- HB 70**, repealing the law requiring town selectmen to perambulate borders of towns. (Rowe, Hills 6; et al: Municipal and County Government)
11, K 102

- HB 71-FN-A-L**, relative to funding of the school building aid program for the 2005 fiscal year and making an appropriation therefor. (Graham, Hills 18; et al: Finance)
11, am 132-133, psd 142, S conc 680, enr 702 (Chapter 37)
- HB 72**, relative to continuing education requirements for professional engineers. (Buhlman, Hills 27; et al: Executive Departments and Administration)
11, rem 42, K 49
- HB 73**, allowing recipients of the National Defense Service Medal to be eligible for the veterans' property tax credit. (Lawrence, Hills 27; et al: Municipal and County Government)
11, K 195-196
- HB 74**, relative to the sale of permissible fireworks. (Welch, Rock 8; et al: Criminal Justice and Public Safety)
11, psd 42, 58, S conc 582, enr 681 (Chapter 4)
- HB 75** not introduced
- HB 76**, revising the process of charter school approval by the state board of education. (Hunt, Ches 7; et al: Education)
11, rcmt 162, ret 969
- HB 77-FN**, relative to geographic location for small group insurance coverage. (Langley, Rock 18; et al: Commerce)
11, ret 969
- HB 78-FN-L**, relative to state funding of regional vocational education centers. (Graham, Hills 18; et al: Public Works and Highways)
11, am & Finance 233-234, rules suspended 459, psd 573, 580, S conc 831, enr 833 (Chapter 99)
- HB 79**, relative to protective orders in domestic violence cases. (Dumaine, Rock 3; et al: Judiciary)
11, K 227
- HB 80**, relative to the definition of a deadly weapon. (Dumaine, Rock 3; et al: Criminal Justice and Public Safety)
11, K 42
- HB 81**, allowing municipalities to grant 2 veterans' tax credits in a single household. (Dickinson, Carr 1; et al: Municipal and County Government)
12, rem 178, K (RC) 262-265
- HB 82**, relative to defining political committees of political parties. (Benn, Graf 9; et al: Election Law)
new title: relative to political committees of political parties.
12, am 97-98, psd 122, S nonconc 681
- HB 83**, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus. (Cady, Rock 1; et al: Municipal and County Government)
new title: relative to the distribution of brochures on family planning services, fetal alcohol syndrome, and human immunodeficiency virus.
12, am 165-166, psd 174, nonconc S am, conf 683, 832, rep adop 939, 940, enr 954 (Chapter 261)
- HB 84**, relative to compensation of Rockingham county convention members for county business. (Welch, Rock 8; et al: Municipal and County Government)
new title: relative to compensation of county convention members for county business.
12, am 91, psd 122, S LT, Clerk's note 973
- HB 85**, establishing the private attorney retention sunshine act. (Weyler, Rock 8; et al: Executive Departments and Administration)
12, K 43

- HB 86**, relative to property held in police department property rooms. (Winchell, Rock 6; et al: Criminal Justice and Public Safety)
12, psd 42, 58, conc S am 683, enr 723 (Chapter 48)
- HB 87**, relative to the authority of the Carroll county public water system. (Morrow, Carr 3; et al: Municipal and County Government)
12, psd 91-92, 122, S conc 680, enr 683 (Chapter 17)
- HB 88**, establishing a committee to study voter registration affidavits. (P. Smith, Rock 3; et al: Election Law)
12, K 185
- HB 89**, relative to establishing non-amendable articles by voter petition. (Slocum, Hills 6; et al: Municipal and County Government)
12, K (RC) 102-105
- HB 90**, relative to private driving instruction and exhibition facilities. (Morrow, Carr 3; et al: Transportation)
13, vac Municipal and County Government 24, am (2RCs) 527-533, psd 569, S nonconc 702
- HB 91-FN**, repealing the local property tax exemption for wooden poles and conduits. (Gibson, Hills 19; et al: Ways & Means)
13, ret 969
- HB 92**, limiting access to certain business records. (Dickinson, Carr 1; et al: Commerce)
13, ret 969
- HB 93-FN**, relative to farm plates for motor vehicles. (Drisko, Hills 5; et al: Transportation)
13, K 93
- HB 94-FN-A**, requiring a discount to wholesalers on cash purchases of tobacco tax stamps. (Jasper, Hills 27; et al: Ways & Means)
13, K 559-560
- HB 95**, relative to delegates to state party conventions. (Mooney, Hills 19; et al: Election Law)
13, psd 83-84, 121, S conc 582, enr 681 (Chapter 5)
- HB 96**, relative to a certain highway project between Pembroke and Bow, New Hampshire. (Field, Merr 7; et al: Public Works and Highways)
13, rem 42, K (RC) 51-54
- HB 97**, relative to replacing school budget committee members. (Weyler, Rock 8; et al: Municipal and County Government)
13, psd 48, 58, conc S am 683, enr 723 (Chapter 49)
- HB 98**, relative to law enforcement authority under the safe schools act. (Bicknell, Rock 1; et al: Criminal Justice and Public Safety)
13, rem 178, LT 254-255, Clerk's note 968
- HB 99**, changing the name of the college for lifelong learning to Granite state college. (F. Sullivan, Hills 12; et al: Executive Departments and Administration)
13, am 43, psd 58, S conc 680, enr 683, committee amended 974 (Chapter 13)
- HB 100-FN-A-L**, establishing an education equity index to provide state education assistance to municipalities. (Weyler, Rock 8; et al: Education)
143, ret 969
- HB 101**, relative to the duties of the oversight committee on health and human services. (Bergin, Hills 6; et al: Health, Human Services and Elderly Affairs)
13, K 43

- HB 102-FN-A**, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor. (Knowles, Straf 6; et al: Finance)
19, psd 133, 142, S conc 893, enr 923 (Chapter 213)
- HB 103-FN-A**, making an appropriation to the department of education for charter schools. (Hunt, Ches 7; et al: Finance)
19, K 205
- HB 104**, requiring insurance coverage for infertility treatments. (Crane, Hills 21; et al: Commerce)
19, K 333
- HB 105**, relative to denial of fertility treatment to a fertility patient. (Crane, Hills 21; et al: Health, Human Services and Elderly Affairs)
19, K 43
- HB 106**, establishing a commission to study the practices and procedures of fertility clinics and to develop standards of care for such clinics. (Crane, Hills 21; et al: Health, Human Services and Elderly Affairs)
19, K 43-44
- HB 107**, relative to the use of artificial light to view moose in Coos County. (R. L'Heureux, Hills 19; et al: Fish and Game)
19, psd 88, 121, S conc 582, enr 681 (Chapter 6)
- HB 108**, relative to the acuity-based reimbursement system developed by the department of health and human services. (Almy, Graf 11; et al: Health, Human Services and Elderly Affairs)
19, K 44
- HB 109**, requiring notification of federal tax requirements in the sale of a principal residence and limiting the disclosure of social security numbers in real estate transfers. (Buhlman, Hills 27; et al: Commerce)
19, K 180
- HB 110**, extending the veterans' property tax credit to all honorably discharged veterans. (Lawrence, Hills 27; et al: Municipal and County Government)
19, K 196
- HB 111**, establishing a commission to study the elimination of cervical cancer in the state of New Hampshire. (Wendelboe, Belk 1; et al: Health, Human Services and Elderly Affairs)
19, am 44, psd 58, S conc 680, enr 683, appointments 975 (Chapter 18)
- HB 112**, relative to psychiatric evaluations in competency hearings. (Knowles, Straf 6; et al: Judiciary)
19, am 131, psd 142, conc S am 727, enr am 920, enr 923 (Chapter 201)
- HB 113**, establishing a committee to study mandatory sentencing in criminal cases. (Kidder, Merr 1: Criminal Justice and Public Safety)
19, ret 969
- HB 114**, relative to the regulation of pharmacists and pharmacy technicians by the pharmacy board. (Wendelboe, Belk 1: Executive Departments and Administration)
19, am 357, psd 457, nonconc S am, conf 915, 919, (no report filed) Clerk's note 968
- HB 115**, allowing pharmacists to establish collaborative practice agreements with medical practitioners. (Wendelboe, Belk 1: Executive Departments and Administration)
19, ret 969
- HB 116**, relative to changes in eligibility for state programs. (Weyler, Rock 8; et al: Finance)
19, ret 969
- HB 117**, requiring automobile insurance to register a vehicle. (Weyler, Rock 8; et al: Commerce)
19, K 132

- HB 118**, relative to bicycle helmet use by certain minors. (Scanlon, Hills 18; et al: Transportation) 19, psd (RC) 303-305, 325, S conc 724, enr 832 (Chapter 100)
- HB 119-FN**, relative to commercial advertising on toll booths. (Crane, Hills 21: Transportation) 19, ret 969
- HB 120**, relative to the definition of child abuse and the identity of a person filing a report of suspected child abuse. (L. Christiansen, Hills 27: Children and Family Law) 19, K 330
- HB 121**, relative to local land use approval for facilities requiring air pollution control permits. (Currier, Merr 5; et al: Municipal and County Government) 20, ret 969
- HB 122-FN-L**, relative to airing general court sessions on local government access channels. (Infantine, Hills 13: Municipal and County Government) 20, K 92
- HB 123**, relative to the New Hampshire state flag. (P. Smith, Rock 3; et al: Executive Departments and Administration) 20, rem 42, K (RC) 49-51
- HB 124**, naming a certain portion of New Hampshire Route 125 the Mel Keddy Memorial highway. (J. Flanders, Rock 8; et al: Public Works and Highways)
new title: naming a certain portion of New Hampshire Route 125 the Officer Mel Keddy Memorial highway.
20, am 46, psd 58, S conc 680, enr 683 (Chapter 19)
- HB 125**, requiring ignition interlock devices for certain persons who drive after suspension or revocation. (Almy, Graf 11; et al: Criminal Justice and Public Safety)
new title: relative to ignition interlock devices.
20, am 343-344, psd 457, conc S am 846, enr 918 (Chapter 198)
- HB 126**, relative to grounds for termination of employment. (Holden, Hills 7; et al: Labor, Industrial and Rehabilitative Services)
new title: relative to a public employee right of free speech.
20, am 366-367, psd 457, S LT, Clerk's note 973
- HB 127**, establishing a committee to study the creation of a satellite campus of the regional community-technical college system in the city of Franklin. (Ryan, Merr 2; et al: Education) 20, K 152
- HB 128-FN**, relative to reckless or negligent operation of a carnival or amusement ride. (Stone, Rock 1; et al: Criminal Justice and Public Safety)
new title: relative to negligent operation of a carnival or amusement ride.
20, am 150-151, psd 173, S nonconc 702
- HB 129-FN-L**, establishing a high performance school incentive. (Pilliod, Belk 5; et al: Education)
new title: establishing a high performance school incentive and relative to the use of system benefits charge funds for school building projects that promote indoor air quality or energy efficiency.
20, psd 273, 325, conc S am 846, enr am 922, enr 951 (Chapter 228)
- HB 130**, relative to limiting the length of involuntary commitment. (P. Katsakiores, Rock 5; et al: Judiciary) 20, K 134
- HB 131**, requiring notice of the installation of smoke detectors prior to the sale of residential property. (Pilliod, Belk 5; et al: Criminal Justice and Public Safety) 20, K 42

- HB 132**, relative to the grounds for dismissal of a teacher. (Carter, Hills 3; et al: Education)
20, am (RC) 460-463, psd 516, conc S am 846, enr 918 (Chapter 178)
- HB 133**, establishing a committee to study single payer health care. (T. Robertson, Ches 3; et al: Commerce)
20, K 180
- HB 134**, relative to certain restrictions on the Piscataquog River. (Hunter, Hills 7; et al: Resources, Recreation and Development)
20, K 200
- HB 135-FN-A**, establishing a committee to study funding sources for the state laboratories and extending the appropriation to the department of corrections for the prison automation system. (Weyler, Rock 8; et al: Public Works and Highways)
20, am 46, psd 58, S conc & enr 141, appointments 975 (Chapter 1)
- HB 136-FN**, removing increased penalties for crimes substantially motivated by hostility toward the victim's religion, race, creed, sexual orientation, national origin, or sex. (Bicknell, Rock 1; et al: Criminal Justice and Public Safety)
20, rem 127, K (RC) 137-140
- HB 137-FN**, relative to unemployment benefit eligibility. (Bishop, Rock 2; et al: Labor, Industrial and Rehabilitative Services)
23, rules suspended 30, K (RC) 425-429
- HB 138-FN**, requiring medical examiners to inventory and account for property taken from decedents. (Welch, Rock 8; et al: Criminal Justice and Public Safety)
23, psd 270, 324, S conc 702, enr 723 (Chapter 50)
- HB 139**, authorizing the establishment of a moose permit raffle by the fish and game department. (R. L'Heureux, Hills 19; et al: Fish and Game)
23, ret 969
- HB 140**, prohibiting the use of drugs and poisons in hunting. (R. L'Heureux, Hills 19; et al: Fish and Game)
23, K 363
- HB 141-L**, relative to the planning board's authority to limit building permits. (W.P. Campbell, Straf 3: Municipal and County Government)
23, am 278-279, psd 325, S conc 702, enr 723 (Chapter 51)
- HB 142**, establishing a commission to study changing the local property tax abatement procedures. (Cady, Rock 1; et al: Municipal and County Government)
23, rem 83, SO 118, K 134
- HB 143**, relative to real estate appraisals. (Scanlon, Hills 18: Commerce)
23, K 83
- HB 144-L**, relative to special elections for municipal charter amendments. (Scanlon, Hills 18; et al: Municipal and County Government)
23, am 156, psd 173, S conc 680, enr 702 (Chapter 38)
- HB 145**, relative to the healthy kids corporation. (Hunt, Ches 7; et al: Commerce)
23, psd 93-94, 122, nonconc S am, conf 847, 890, (no report filed) Clerk's note 968
- HB 146**, establishing a commission to study health care delivery at the Veterans Administration Hospital. (Marshall Quandt, Rock 13; et al: State-Federal Relations and Veterans Affairs)
23, K 160
- HB 147**, relative to the death penalty. (Vaillancourt, Hills 15; et al: Criminal Justice and Public Safety)
23, psd (RC) 292-294, 325, S conc 680, enr 702 (Chapter 35)

- HB 148**, transferring the New Hampshire estuaries project from the department of environmental services to the university of New Hampshire. (Gillick, Rock 15; et al: Resources, Recreation and Development)
23, am 47, psd 58, S conc 680, enr 683 (Chapter 20)
- HB 149-FN**, prohibiting the use or installation of radar scrambler devices in motor vehicles. (P. Smith, Rock 3; et al: Transportation)
23, K 93
- HB 150**, defining truancy. (Snyder, Straf 2: Education)
23, am 152, psd 173, S conc 582, enr 681 (Chapter 7)
- HB 151**, requiring school districts to develop a school age nutrition and physical activity committee. (Price, Hills 26; et al: Education)
23, rem 270, am (RC) 310-313, psd 325, S nonconc 724
- HB 152-FN**, requiring heating oil sellers to purchase biodiesel. (W. P. Campbell, Straf 3; et al: Science, Technology and Energy)
new title: establishing a commission to study the uses of biodiesel for home heating and vehicular transportation.
2nd new title: establishing a committee to study the uses of biodiesel for home heating and vehicular transportation.
23, am 287-288, psd 325, conc S am 727, enr 833, appointments 976 (Chapter 101)
- HB 153-FN**, relative to the collection of debts owed to the state. (Mooney, Hills 19; et al: Executive Departments and Administration)
23, am 128-129, psd 142, S Com 724, 972
- HB 154**, relative to changes of party registration on primary day. (Hunter, Hills 7; et al: Election Law)
23, rem 83, am (RC) 115-118, psd 122, S nonconc 681
- HB 155**, relative to bail conditions. (Dumaine, Rock 3; et al: Judiciary)
23, K 154
- HB 156**, relative to licensing private investigators. (Dumaine, Rock 3; et al: Executive Departments and Administration)
23, ret 969
- HB 157**, establishing a study committee to review contracting practices for public works. (Infantine, Hills 13; et al: Public Works and Highways)
new title: establishing a commission to study procurement methods for public works projects by state and local government agencies.
2nd new title: establishing a committee to study procurement methods for public works projects by state and local government agencies.
24, am 198-199, psd 266, conc S am 727, enr 833, appointments 976 (Chapter 132)
- HB 158**, relative to the Auburn District Court. (Weldy, Rock 2; et al: Judiciary)
new title: relative to Auburn, Exeter, and Hampton District Courts.
2nd new title: relative to district courts.
24, rem 127, rcmt 140-141, rem 330, am 564-565, psd 570, conc S am 847, enr 918 (Chapter 179)
- HB 159**, relative to insurance coverage for persons having deafness and hearing loss. (MacKay, Merr 11; et al: Commerce)
24, ret 969
- HB 160**, naming a certain bridge on New Hampshire Route 3 between Pembroke and Allentown. (Rush, Merr 7; et al: Public Works and Highways)
24, am 46-47, psd 58, S conc 680, enr 683 (Chapter 21)

- HB 161**, relative to vacancies in the office of United States senator. (Wendelboe, Belk 1: Executive Departments and Administration)
24, K 43
- HB 162**, establishing boating speed limits for Lake Winnepesaukee. (Pilliod, Belk 5, et al: Resources, Recreation and Development)
31, ret 969
- HB 163**, establishing a committee to study the provision of education through the county government system. (Wendelboe, Belk 1: Municipal and County Government)
31, K 92
- HB 164**, relative to the use of chelating agents or chelation drug therapy for the treatment of medical conditions. (Slocum, Hills 6: Health, Human Services and Elderly Affairs)
32, K 44
- HB 165**, relative to cellular telephone use during motor vehicle operation. (Scanlon, Hills 18; et al: Transportation)
32, rem 83, K (RC) 118-121
- HB 166**, relative to notice of driver's license suspension or revocation. (Scanlon, Hills 18; et al: Transportation)
32, K 93
- HB 167**, relative to mail-in rebates for merchandise purchased within the state. (Scanlon, Hills 18; et al: Commerce)
32, K 127
- HB 168**, relative to the licensure of electrologists and establishing an electrology advisory committee. (Pilliod, Belk 5; et al: Executive Departments and Administration)
new title: relative to the licensure of electrologists and establishing an electrology advisory committee, and relative to the definition of tanning device operator.
32, am 86, psd 121, nonconc S am, conf 848, 890, 922, rep adop 939, 940, enr 954 (Chapter 262)
- HB 169-FN-A**, relative to completion of a sidewalk on Hazen Drive in the city of Concord and making an appropriation therefor. (Bouchard, Merr 11; et al: Public Works and Highways)
32, K 286
- HB 170**, relative to unemployment compensation. (Bishop, Rock 2: Labor, Industrial and Rehabilitative Services)
32, am 367-369, psd 457, S conc 893, enr am 951-952, enr 953 (Chapter 239)
- HB 171**, relative to nicknames on ballots. (Marshall Quandt, Rock 13; et al: Election Law)
32, am 84-85, psd 121, S conc 680, enr 683 (Chapter 22)
- HB 172**, relative to periodic review of state contracts by the legislative fiscal committee. (P. Smith, Rock 3; et al: Finance)
32, K 362
- HB 173**, relative to food service and distribution. (Pilliod, Belk 5; et al: Health, Human Services and Elderly Affairs)
32, am 44-45, psd 58, conc S am 914, enr 951 (Chapter 229)
- HB 174**, relative to renewable energy transition service and the extension of a portion of the system benefits charge. (Maxfield, Merr 6; et al: Science, Technology and Energy)
new title: relative to renewable energy transition service, extending a portion of the system benefits charge, and repealing laws relating to information provided to electric service consumers.
32, am 47-48, psd 58, S conc 724, enr 832 (Chapter 102)
- HB 175**, relative to divestiture of PSNH generation assets. (Maxfield, Merr 6: Science, Technology and Energy)
32, ret 969

- HB 176**, relative to the provision of rental and lease information of commercial and industrial property to assessing officials. (Zolla, Rock 5; et al: Municipal and County Government) 32, ret 969
- HB 177**, relative to home improvement contracts. (Slocum, Hills 6; et al: Commerce) 32, am 422-425, psd 458, S Com 832, 972
- HB 178**, requiring disclosure of documents prior to a residential real estate closing. (Slocum, Hills 6: Commerce) 32, K 127
- HB 179-FN**, permitting certain hunting activities on one's own land without a license. (Nowe, Rock 9: Fish and Game) 32, K 88
- HB 180**, relative to appeals of decisions relating to current use taxation. (Philbrick, Carr 2: Municipal and County Government) 32, K 105-108
- HB 181**, establishing a committee to study the special account in the New Hampshire retirement system. (O'Neil, Rock 15; et al: Executive Departments and Administration) 32, am 86, psd 121, S conc 582, enr 681, appointments 976 (Chapter 8)
- HB 182**, establishing a committee to study campaign contributions and lobbying practices. (Marshall Quandt, Rock 13; et al: Legislative Administration) 32, K 155
- HB 183**, relative to nomination of political candidates. (Clemons, Hills 24; et al: Election Law) 32, K 473
- HB 184**, eliminating straight ticket voting. (Clemons, Hills 24; et al: Election Law) 32, ret 969
- HB 185**, establishing a committee to study the unique nature of geothermal properties capable of supporting energy for production. (Cataldo, Straf 3; et al: Science, Technology and Energy) **new title:** establishing a committee to study maximizing the incentives for the voluntary use of renewable energy in New Hampshire as defined in RSA 374-F:3. 32, am 201-202, psd 266, conc S am 915, enr 923, appointments 976 (Chapter 202)
- HB 186**, establishing a committee to study the quality and delivery of nursing care to persons in nursing facilities or receiving home and community-based care. (Gile, Merr 10; et al: Health, Human Services and Elderly Affairs) 32, K 45
- HB 187**, allowing municipalities to adopt a property tax cap for persons 80 years of age and older. (Hofemann, Straf 6; et al: Municipal and County Government) 33, K 196
- HB 188-FN**, restricting the amount of account information on credit card receipts. (Dickinson, Carr 1; et al: Commerce) 33, K 127
- HB 189**, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. (Weed, Ches 3; et al: State-Federal Relations and Veterans Affairs) 33, K 160
- HB 190**, relative to the installation of continuous emission monitoring systems on stationary air pollution sources and devices. (C. Hamm, Merr 4; et al: Science, Technology and Energy) 33, K (RC) 240-243

- HB 191-FN**, relative to using school building aid for leased classrooms. (Weyler, Rock 8; et al: Education)
33, am & Finance 184, rules suspended 459, ret 969
- HB 192**, establishing a committee to study medical malpractice. (Dickinson, Carr 1; et al: Judiciary)
33, K 277
- HB 193**, relative to efficient renewable energy programs. (Infantine, Hills 13; et al: Science, Technology and Energy)
33, K 92
- HB 194**, establishing a study committee to examine regulatory practices pertaining to the telecommunications industry. (Almy, Graf 11; et al: Science, Technology and Energy)
new title: establishing a study committee to examine regulatory practices pertaining to the telecommunications industry and establishing procedures for alternative regulation of small incumbent local exchange carriers.
33, am 92-93, psd 122, nonconc S am, conf 916, 919, rep adop 939, 940, enr 954, appointments 976 (Chapter 263)
- HB 195**, establishing a committee to study the department of insurance and whether it should be combined with any other agency. (Marshall Quandt, Rock 13; et al: Executive Departments and Administration)
new title: establishing a committee to study the department of insurance.
2nd new title: establishing a committee to study the department of insurance and awarding of the bids for health insurance for state employees.
33, am 273-274, psd 325, conc S am 727, enr 833, appointments 976 (Chapter 103)
- HB 196**, establishing a committee to study awarding of the bid for health insurance for state employees. (Marshall Quandt, Rock 13; et al: Commerce)
33, K 180
- HB 197**, decriminalizing marijuana. (T. Robertson, Ches 3; et al: Criminal Justice and Public Safety)
33, K (RC) 445-448
- HB 198**, allowing municipalities to adopt a property tax credit for persons aged 65 and older calculated by freezing their property assessments. (McKinney, Rock 3; et al: Municipal and County Government)
33, K 156
- HB 199**, relative to fish and game department expenditures for marine fisheries. (Abbott, Rock 12; et al: Fish and Game)
new title: relative to fish and game department expenditures for marine fisheries, and relative to the membership and reporting date of the commission to study recommendations of the New Hampshire estuaries project management plan.
33, psd 88, 121, conc S am 727, enr 833, committee amended, reporting date extended 974 (Chapter 104)
- HB 200** not introduced
- HB 201**, establishing a study committee to consider amending voter identification and public assistance requirements as a means of discouraging illegal voting and illegal access to public assistance. (Renzullo, Hills 27; et al: Election Law)
33, K 85
- HB 202**, establishing a commission to study options for reducing the impact of exhaust emissions from mobile diesel engines. (Ross, Hills 3; et al: Science, Technology and Energy)
new title: directing the commissioner of the department of environmental services to review options for reducing diesel engine exhaust emission.
34, am 288-289, psd 325, S nonconc 723

- HB 203-FN**, relative to the use of tracking devices in consumer products. (Dickinson, Carr 1; et al: Commerce)
34, ret 969
- HB 204-FN**, relative to unauthorized video surveillance. (R. L'Heureux, Hills 19; et al: Criminal Justice and Public Safety)
new title: prohibiting unlawful peering into the dwelling place of another.
34, am 151, psd 173, nonconc S am, conf 848, 890, rep adop 939, 940, enr 954 (Chapter 264)
- HB 205**, relative to licensing requirements for certain drivers. (Winchell, Rock 6; et al: Transportation)
34, psd 390, 458, S conc 833, enr 891 (Chapter 170)
- HB 206**, relative to alcohol education and abuse prevention and treatment programs. (Kathleen Taylor, Straf 4; et al: Health, Human Services and Elderly Affairs)
34, am 88, psd 122, S conc 723, enr 764, committee amended 974 (Chapter 77)
- HB 207-FN**, relative to the appointment of a guardian ad litem in adoption proceedings. (B. Richardson, Ches 5; et al: Children and Family Law)
34, K 179
- HB 208-FN**, relative to criminal penalties for possession of a firearm in a safe school zone. (O'Neil, Rock 15; et al: Criminal Justice and Public Safety)
34, K (RC) 448-450
- HB 209-FN**, relative to unborn victims of violence. (W. P. Campbell, Straf 3; et al: Criminal Justice and Public Safety)
34, rules suspended 330, K & motion to print debate rej (2RCs) 392-396
- HB 210-FN**, relative to the determination of absence and return of contributions of members of the retirement system. (Zolla, Rock 5; et al: Executive Departments and Administration)
34, am & Finance 99, rules suspended 459, psd 574, 580, S conc 702, enr 723 (Chapter 52)
- HB 211**, relative to the sale of lead fishing sinkers and jigs and establishing a study committee on New Hampshire's loon population. (Gibson, Hills 19; et al: Fish and Game)
34, K 189
- HB 212**, requiring any driver to have headlights on when continuously operating windshield wipers during inclement weather. (B. Williams, Graf 8; et al: Transportation)
34, K 93
- HB 213**, relative to nomination of officers in the house of representatives. (Itse, Rock 9: Legislative Administration)
34, K 155
- HB 214**, permitting the parents or legal guardian of a sexual assault victim to remain with the victim during the legal proceedings. (Kurk, Hills 7; et al: Children and Family Law)
new title: permitting the parents of a sexual assault victim to remain with the victim during trial proceedings.
35, psd 330, 456, conc S am 763, enr 891 (Chapter 148)
- HB 215-FN**, relative to water management. (R. Cooney, Rock 4; et al: Resources, Recreation and Development)
new title: relative to water management and relative to the membership of the exotic aquatic weeds and species committee.
35, am 383-384, psd 458, conc S am 914, enr am 952, enr 953, committee amended 974 (Chapter 240)
- HB 216-FN**, relative to the authority of the New Hampshire retirement system to purchase supplies and services. (Zolla, Rock 5; et al: Executive Departments and Administration)
35, am & Finance 86-87, rules suspended 459, psd 574, 580, S conc 702, enr 723 (Chapter 53)

- HB 217**, relative to liability of third persons under workers' compensation. (Hunt, Ches 7; et al: Commerce)
35, vac Labor, Industrial and Rehabilitative Services 42, K 520-521
- HB 218-FN-L**, relative to the apportionment of county taxes to municipalities. (Patten, Carr 4; et al: Municipal and County Government)
35, K 228
- HB 219**, relative to permitting audio and video recording on school buses. (Winchell, Rock 6; et al: Education)
35, am & LT (RC) 217-220, Clerk's note 968
- HB 220**, establishing a committee to study the ability of homeless youth in New Hampshire to make a successful transition to adulthood. (E. Blanchard, Merr 10; et al: Children and Family Law)
35, am 331, psd 456, S LT, Clerk's note 973
- HB 221**, relative to eligibility for absentee ballots. (Nordgren, Graf 9; et al: Election Law)
35, ret 969
- HB 222-FN**, relative to payment of medical benefits costs for disabled group II members of the retirement system. (Zolla, Rock 5: Executive Departments and Administration)
35, Finance 87, rules suspended 459, K 579, recon (RC) 677-679, psd 680, S nonconc 831
- HB 223**, relative to the procedure for assignment of juvenile probation and parole officers. (Itse, Rock 9: Children and Family Law)
35, am 179, psd 265, S conc 582, enr 681 (Chapter 9)
- HB 224-FN**, relative to the collection of data on hospital-acquired infection rates. (Kathleen Taylor, Straf 4; et al: Health, Human Services and Elderly Affairs)
35, K 88
- HB 225**, relative to liability for the use of municipal ski jump facilities. (Rodeschin, Sull 2; et al: Judiciary)
35, K 363
- HB 226-FN**, relative to the provision of loss information to employers. (Carter, Hills 3; et al: Commerce)
35, K 180-181
- HB 227**, relative to undeclared voters at primary elections. (Vaillancourt, Hills 15: Election Law)
35, rem 150, K 170
- HB 228-FN**, prohibiting cellular telephone directories in New Hampshire. (Dickinson, Carr 1; et al: Criminal Justice and Public Safety)
35, K 270-271
- HB 229**, extending the committee to study the establishment of a farm viability program. (B. Williams, Graf 8; et al: Environment and Agriculture)
new title: establishing a committee to study the establishment of a farm viability program.
35, psd 127, 142, conc S am 704, enr 764, appointments 976 (Chapter 78)
- HB 230-L**, relative to default budgets. (Boehm, Hills 27; et al: Municipal and County Government)
35, am 279, psd 325, nonconc S am, conf 727, 832, (no report filed) Clerk's note 968
- HB 231**, establishing a commission to study issues relating to personal privacy. (Ryan, Merr 2: Judiciary)
35, K 134
- HB 232**, establishing a commission to recodify the election laws. (Cady, Rock 1; et al: Election Law)
35, K 185

- HB 233-FN-L**, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school. (Phinizy, Sull 5; et al: Municipal and County Government)
35, K 533
- HB 234-FN**, relative to the development of a closed state municipal information network by the office of information technology. (Maxfield, Merr 6: Executive Departments and Administration)
new title: relative to the development of a state municipal information network by the office of information technology.
36, am & Finance 186, rules suspended 459, ret 969
- HB 235**, relative to age-based motor vehicle insurance premiums. (Manney, Hills 7; et al: Commerce)
36, K 181
- HB 236**, relative to the time for filing a motion to rehear a zoning decision. (Gillick, Rock 15: Municipal and County Government)
new title: relative to the time period for filing for rehearing or appeal of a zoning or planning decision.
36, psd 156, 173, conc S am 727, enr 833 (Chapter 105)
- HB 237**, relative to telephone rate disclosure. (Bergin, Hills 6; et al: Commerce)
36, K 181
- HB 238-FN**, relative to the use of marijuana for medicinal purposes. (T. Robertson, Ches 3; et al: Health, Human Services and Elderly Affairs)
36, K (RC) 99-102
- HB 239-FN**, relative to certification of shampoo assistants by the board of barbering, cosmetology and esthetics. (N. Allan, Hills 26; et al: Executive Departments and Administration)
new title: relative to registration of shampoo assistants by the board of barbering, cosmetology and esthetics.
36, am 87-77, psd 121, S nonconc 831
- HB 240-FN**, relative to psychotropic drugs and child protection. (P. Katsakiores, Rock 5; et al: Health, Human Services and Elderly Affairs)
36, am 133-134, psd 142, S nonconc 724
- HB 241-FN-L**, relative to removal of political advertising. (Marshall Quandt, Rock 13; et al: Election Law)
36, K 152
- HB 242**, relative to falsification of motor vehicle applications filed with the department of safety. (Hinkle, Hills 19; et al: Transportation)
36, psd 160, 173, S conc 680, enr 683 (Chapter 23)
- HB 243**, relative to boat registration fees. (Patten, Carr 4; et al: Ways & Means)
36, K 290
- HB 244-FN**, relative to statutory liens by the department of safety. (Packard, Rock 3; et al: Transportation)
36, psd 390, 458, S conc 724, enr 832 (Chapter 106)
- HB 245**, establishing a committee to study property appraisals of features of land and the view from residential property and unimproved land. (Parkhurst, Ches 4; et al: Municipal and County Government)
36, ret 969
- HB 246**, establishing a committee to study the classification of employees as independent contractors. (Gould, Rock 5; et al: Labor, Industrial and Rehabilitative Services)
36, psd 369, 457, S conc 831, enr 889, appointments 976 (Chapter 134)

- HB 247**, extending the law regarding receivership of care facilities for a certain length of time. (MacKay, Merr 11; et al: Health, Human Services and Elderly Affairs)
36, psd 88-89, 122, S conc 702, enr 723 (Chapter 54)
- HB 248**, authorizing semi-annual payments of school building aid. (Alger, Graf 6; et al: Education)
new title: authorizing semi-annual payments of school building aid and relative to the purchase or lease-purchase of equipment designed to improve energy efficiency or indoor air quality in school buildings.
36, psd 348, 457, conc S am 846, enr 918 (Chapter 180)
- HB 249**, relative to delivery of absentee ballots to city or town clerks. (Vaillancourt, Hills 15: Election Law)
37, ret 969
- HB 250**, permitting certain election day workers to vote by absentee ballot. (Vaillancourt, Hills 15: Election Law)
37, ret 969
- HB 251**, relative to the family division of the courts. (L. Elliott, Hills 1; et al: Judiciary)
37, K 277
- HB 252**, requiring bail hearings for persons arrested for probation violations. (Pantelakos, Rock 16: Criminal Justice and Public Safety)
37, rem 178, am 255, psd 266, conc S am 894, enr 951 (Chapter 230)
- HB 253**, exempting certified financial planners from requirements for licensure under insurance laws. (D.L. Christensen, Hills 19; et al: Executive Departments and Administration)
37, K 129
- HB 254-FN**, establishing additions to lifetime hunting and fishing licenses for certain activities. (Nowe, Rock 9: Fish and Game)
37, ret 969
- HB 255**, establishing a committee to study the pricing of milk. (Owen, Merr 4: Environment and Agriculture)
37, am 481, psd 516, nonconc S am 847
- HB 256**, revising the nurse practice act. (O'Neil, Rock 15: Executive Departments and Administration)
37, ret 969
- HB 257**, relative to emergency medical and trauma service protocols and quality assurance program. (S. L'Heureux, Merr 9; et al: Health, Human Services and Elderly Affairs)
37, am & Executive Depts. 191-192, rules suspended 460, am 573, psd 580, conc S am 847, enr am 922, enr 951 (Chapter 231)
- HB 258-L**, relative to the terms of a collective bargaining agreement in a school district. (Carter, Hills 3; et al: Education)
37, ret 969
- HB 259**, relative to medical assistance for home care for children with severe disabilities. (Rogers Johnson, Rock 13; et al: Health, Human Services and Elderly Affairs)
37, am 129-130, psd 142, S conc 723, enr am 890, enr 918 (Chapter 181)
- HB 260-FN**, relative to motor vehicle equipment and registration. (Packard, Rock 3; et al: Transportation)
37, rem 150, am & Ways & Means 170-171, psd 290, 325, conc S am 764, enr am 918, enr 921 (Chapter 203)
- HB 261**, relative to title to salvage vehicles. (Packard, Rock 3: Transportation)
37, am 289, psd 325, S conc 833, enr 918 (Chapter 182)

- HB 262**, creating a cause of action relative to the discharge of mortgages. (Abbott, Rock 12: Commerce)
37, K 333
- HB 263**, relative to the use of design build and construction management methods for state capital projects. (O'Neil, Rock 15; et al: Public Works and Highways)
37, am 157, psd 173, conc S am 683, enr 723 (Chapter 55)
- HB 264-FN-A**, making a capital appropriation for the purchase of a boat storage and repair facility in the town of Belmont. (Whalley, Belk 5; et al: Public Works and Highways)
37, ret 969
- HB 265**, relative to minutes of land use board meetings involving developments of regional impact. (Thomas, Belk 5: Municipal and County Government)
37, psd 156, 173, S conc 680, enr 702 (Chapter 39)
- HB 266**, relative to the procedure for dismissal or suspension of a police chief. (O'Neil, Rock 15: Municipal and County Government)
37, psd 156-157, 173, S conc 680, enr 683 (Chapter 24)
- HB 267**, relative to requests for services other than counsel for indigent defendants. (T. Robertson, Ches 3: Judiciary)
37, psd 277, 325, S conc 702, enr 723 (Chapter 135)
- HB 268-FN**, increasing certain motor vehicle fees. (J. Flanders, Rock 8: Transportation)
37, Ways & Means 161, psd 290, 325, S conc 702, enr 723 (Chapter 56)
- HB 269**, establishing a statutory committee for the protection of human research subjects. (MacKay, Merr 11; et al: Health, Human Services and Elderly Affairs)
37, psd 89, 122, conc S am 847, enr 918 (Chapter 183)
- HB 270**, relative to procedures of the legislative ethics committee. (Rowe, Hills 6; et al: Legislative Administration)
37, vac Election Law 82, rem 330, am 563, psd 570, S Com 724, 972
- HB 271**, relative to petitions submitted to town meetings. (Parkhurst, Ches 4: Municipal and County Government)
37, K 196
- HB 272-FN-A**, making an appropriation to the barn preservation fund. (Babson, Carr 3; et al: Finance)
37, am 362, psd 457, S nonconc 681
- HB 273-FN**, relative to licenses for persons who are not United States citizens and who are temporarily residing in New Hampshire. (Hinkle, Hills 19; et al: Transportation)
37, ret 969
- HB 274**, relative to notice of the availability of automobile gap insurance. (Hinkle, Hills 19; et al: Commerce)
38, K 333
- HB 275**, defining farmers' market. (O'Connell, Hills 6; et al: Environment and Agriculture)
38, psd 481, 516, S conc 724, enr 832 (Chapter 107)
- HB 276**, relative to nominations by nomination papers. (Mulholland, Graf 10: Election Law)
38, K (RC) 220-223
- HB 277**, relative to special elections for executive councilor, state senator, and state representative. (Whalley, Belk 5; et al: Election Law)
38, rem 150, psd 170, 174, S conc 681, enr 683 (Chapter 25)
- HB 278**, relative to the alternative budget procedure in school administrative units. (Casey, Rock 11; et al: Education)
40, ret 969

- HB 279**, relative to the classification of Spofford Lake in Chesterfield, New Hampshire. (Hogancamp, Ches 4; et al: Resources, Recreation and Development)
new title: relative to the classification of Spofford Lake in Chesterfield, New Hampshire and exempting swimming rafts from regulation by the department of safety.
40, am 200-201, psd 266, conc S am 914, enr 951 (Chapter 232)
- HB 280**, relative to acceptance of service of process of divorce petitions and requests for modification. (Bickford, Straf 3: Children and Family Law)
new title: relative to the manner of service in divorce and child custody proceedings.
40, am 179, psd 265, conc S am 683, enr 723 (Chapter 57)
- HB 281**, requiring certain labels on bottled water. (Marple, Merr 9: Executive Departments and Administration)
40, K 129
- HB 282**, establishing a committee to study issues relating to voter registration and identification requirements. (Price, Hills 26: Election Law)
40, ret 969
- HB 283**, relative to the commission to examine all aspects of same sex civil marriage and its legal equivalents. (Morrison, Belk 2; et al: Judiciary)
40, K (RC) 299-302
- HB 284**, excluding the value of a view from property tax assessments. (Alger, Graf 6; et al: Municipal and County Government)
40, K 279
- HB 285**, relative to carrying a concealed weapon without a license. (J. Wheeler, Hills 6; et al: Criminal Justice and Public Safety)
40, K (RC) 450-453
- HB 286**, prohibiting the operation of pocket bikes and motorized scooters upon ways. (J. Flanders, Rock 8: Transportation)
new title: prohibiting the operation of pocket bikes upon ways.
40, psd 161, 173, conc S am 727, enr 833 (Chapter 108)
- HB 287**, ratifying the purchase of a certain property by the town of Canaan. (Solomon, Graf 10: Municipal and County Government)
40, K 373
- HB 288-FN**, establishing a commission to effect the process for the town of Killington, Vermont to become part of the state of New Hampshire. (Currier, Merr 5; et al: Legislative Administration)
40, psd 195, 266, conc S am 764, enr 889, appointments 976 (Chapter 136)
- HB 289-FN**, relative to registration fees for lobbying and lobbyists and requiring registration of employers of lobbyists. (Weed, Ches 3; et al: Legislative Administration)
40, vac Election Law 82, K (RC) 475-477
- HB 290-FN**, relative to participation in health savings accounts. (Wendelboe, Belk 1: Executive Departments and Administration)
41, rem 127, rcmt 140, K 357
- HB 291-FN-A**, establishing a research and development tax credit against the business profits tax. (P. Sullivan, Hills 10: Ways & Means)
41, K 202
- HB 292**, establishing a procedure for a town to withdraw from a 3-town school district. (Drisko, Hills 5; et al: Education)
41, ret 969

- HB 293**, establishing a commission to study the development of a materials resource and recovery facility in Sullivan County. (Phinizy, Sull 5; et al: Environment and Agriculture)
new title: establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan county.
2nd new title: establishing a commission to study the feasibility of developing a materials resource and recovery facility in Sullivan County, and relative to exemptions for disposing of leaf and yard waste.
41, am 354, psd 457, nonconc S am, conf 828, 890, rep adop 939, 940, enr am 955, enr 958, appointments 977 (Chapter 265)
- HB 294**, relative to criminal records and evidence. (Dumaine, Rock 3; et al: Judiciary)
new title: relative to annulment of arrest records.
41, vac Criminal Justice and Public Safety 82-83, am 344, psd 457, S LT, Clerk's note 973
- HB 295**, relative to access to certain motor vehicle records. (Dumaine, Rock 3; et al: Judiciary)
41, K 363
- HB 296**, relative to bonding requirements for private detectives. (Dumaine, Rock 3; et al: Commerce)
41, K 333
- HB 297-FN**, relative to charter schools. (L. Christiansen, Hills 27: Education)
41, ret 969
- HB 298**, relative to consolidating statutes relating to driving while intoxicated. (Tholl, Coos 2: Transportation)
41, ret 969
- HB 299**, relative to mechanics' liens. (Infantine, Hills 13; et al: Commerce)
new title: establishing a committee to study state laws governing liens for labor and materials.
41, am 334, psd 456, S conc 681, enr am 830, enr 889, appointments 977 (Chapter 137)
- HB 300** not introduced
- HB 301-L**, relative to parent advisory councils for pupils with educational disabilities. (Drisko, Hills 5; et al: Education)
41, am 348-349, psd 457, S LT, Clerk's note 973
- HB 302**, establishing a county mileage surcharge for service of documents by county sheriffs. (Ryder, Hills 5: Judiciary)
new title: relative to the mileage rate for service of documents by county sheriffs.
41, am & Ways & Means 227-228, recon rej 229, rules suspended 460, am 575-576, psd 581, S nonconc 833
- HB 303-FN**, relative to the fire standards and training and emergency medical services commission. (Stevens, Carr 4; et al: Criminal Justice and Public Safety)
new title: relative to the fire standards and training commission.
41, am 181-182, psd 266, conc S am 683, enr am 830, enr 891 (Chapter 149)
- HB 304-FN-A**, relative to federal highway grant anticipation bonds. (Rausch, Rock 5; et al: Public Works and Highways)
41, Finance 169, rules suspended 459, am 579-580, psd 581, S conc 702, enr 723 (Chapter 58)
- HB 305**, relative to amended warrant articles on official ballots. (Hawkins, Hills 18; et al: Municipal and County Government)
41, K (RC) 535-538
- HB 306**, relative to mandatory education for crossbow hunters. (Stohl, Coos 1; et al: Fish and Game)
41, am 276, psd 325, S nonconc 832

- HB 307**, establishing a committee to study the feasibility of licensing residential building and remodeling contractors. (Infantine, Hills 13; et al: Executive Departments and Administration)
new title: establishing a committee to study the feasibility of licensing residential building and remodeling contractors, and relative to bonds and letters of credit for manufactured housing installation licenses.
41, psd 484-485, 516, conc S am 846, enr 918, appointments 977 (Chapter 184)
- HB 308**, relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education. (Claire Clarke, Merr 6; et al: Education)
41, psd 185, 266, S conc 582, enr 681 (Chapter 10)
- HB 309-FN-A**, establishing a commission to recodify laws relating to financial contributions and disclosures and conflicts of interest and making an appropriation therefor. (Hess, Merr 9; et al: Legislative Administration)
41, vac Election Law 82, ret 969
- HB 310**, relative to requirements of the fish and game department before a coastal area may be closed to fishing of marine species. (Morris, Rock 14; et al: Fish and Game)
41, K 276
- HB 311-L**, enabling towns to establish revolving funds for certain purposes. (Patten, Carr 4; et al: Municipal and County Government)
41, am 373-374, psd 458, S conc 723, enr 764 (Chapter 79)
- HB 312**, relative to the appointment of parenting coordinators in child custody cases. (Gargasz, Hills 5; et al: Children and Family Law)
41, ret 969
- HB 313-FN**, relative to registration of business entities. (S. Francoeur, Rock 15: Commerce)
41, Ways & Means 150, rules suspended 460, psd 576, 581, nonconc S am, conf 728, 832, (no report filed) Clerk's note 968
- HB 314-FN**, requiring public restrooms in the division of motor vehicles. (Palazzo, Rock 14: Public Works and Highways)
41, K 539
- HB 315**, relative to best available technology for air pollution control. (Maxfield, Merr 6; et al: Science, Technology and Energy)
41, am 387-388, psd 458, S conc 724, enr am 920, enr 923 (Chapter 173)
- HB 316**, relative to neutral evaluations in child custody cases. (Gargasz, Hills 5; et al: Children and Family Law)
41, ret 969
- HB 317-FN**, relative to mooring permits and fees. (Currier, Merr 5; et al: Resources, Recreation and Development)
59, ret 969
- HB 318-FN-L**, relative to providing municipal water supply services. (Bicknell, Rock 1; et al: Municipal and County Government)
59, K 302
- HB 319-FN-L**, requiring the department of environmental services to arbitrate certain disputes between municipalities. (Mirski, Graf 10: Executive Departments and Administration)
59, K 152
- HB 320-FN-A-L**, relative to educational scholarship grants to qualifying private educational institutions. (Hunt, Ches 7; et al: Education)
59, K 185

- HB 321**, requiring health care providers to furnish a patient with a copy of his or her medical complaint form. (Lefebvre, Hills 24: Health, Human Services and Elderly Affairs)
59, K 130
- HB 322-FN**, relative to the registration fees and requirements for snow traveling vehicles. (R. Cooney, Rock 4: Resources, Recreation and Development)
59, K 534
- HB 323-FN**, relative to excluding social security numbers and other information from documents filed with registries of deeds. (Kurk, Hills 7: Municipal and County Government)
59, rem 270, K (RC) 321-324, recon (RC) & am 513-516, psd 517, nonconc S am, conf 848, 890, (no report filed) Clerk's note 968
- HB 324-FN**, relative to requirements for legal marriages. (Itse, Rock 9; et al: Judiciary)
59, K 194
- HB 325**, relative to the burden of proof in child abuse and neglect proceedings. (Itse, Rock 9; et al: Children and Family Law)
59, ret 969
- HB 326**, relative to motorcycle noise levels. (M. Blanchard, Rock 16; et al: Transportation)
new title: relative to motorcycle noise levels and mufflers.
59, am 289, psd 325, nonconc S am, conf 916, 919, rep adop 939, 940, enr 954 (Chapter 266)
- HB 327**, relative to enforcement of support orders. (Bickford, Straf 3: Children and Family Law)
59, ret 969
- HB 328**, relative to jurisdiction over land occupied by or ceded to the United States. (Marple, Merr 9; et al: State-Federal Relations and Veterans Affairs)
59, K 389
- HB 329**, establishing the crime victim employment leave act. (P. Sullivan, Hills 10: Labor, Industrial and Rehabilitative Services)
59, am 369-370, psd 457, conc S am 727, enr 833 (Chapter 109)
- HB 330**, establishing a commission to study the feasibility of establishing a statewide non-emergency 311 telephone system. (P. Sullivan, Hills 10: Science, Technology and Energy)
59, K 202
- HB 331**, establishing a committee to study stock and working dogs for agricultural purposes. (McRae, Hills 7; et al: Environment and Agriculture)
59, ret 969
- HB 332**, relative to harassment by telephone. (Tholl, Coos 2: Criminal Justice and Public Safety)
59, psd 271, 324, conc S am 726, enr 889, (Chapter 138)
- HB 333**, relative to the rights of citizens. (Marple, Merr 9; et al: State-Federal Relations and Veterans Affairs)
59, K 542
- HB 334**, relative to consistency of notices in court proceedings. (Marple, Merr 9; et al: Judiciary)
59, ret 969
- HB 335**, relative to the review of final proposed rules by the joint legislative committee on administrative rules. (Kennedy, Merr 4: Executive Departments and Administration)
59, K 274
- HB 336**, relative to the use of secret ballots at town meetings. (Drisko, Hills 5; et al: Municipal and County Government)
59, K 374

- HB 337**, establishing a committee to study small group health insurance and the small brokerage health insurance community. (Marshall Quandt, Rock 13; et al: Commerce)
59, K 334
- HB 338**, allowing municipalities to adopt a low income property tax credit. (B. Richardson, Ches 5; et al: Municipal and County Government)
59, K 279
- HB 339**, relative to electioneering at polling places. (Easson, Straf 3: Election Law)
60, am 205, psd 266, S LT, Clerk's note 973
- HB 340**, renaming Jones Brook Wildlife Management Area in Strafford County for former commissioner of fish and game Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg. (Stohl, Coos 1; et al: Public Works and Highways)
new title: renaming Jones Brook Wildlife Management Area in Strafford County for former chairman of the fish and game commission, Ellis Hatch, Jr., and naming a building at the Sandy Point Discovery Center in Stratham for former governor Hugh Gregg.
60, am 199, psd 266, S conc 681, enr 683 (Chapter 26)
- HB 341**, establishing a committee to study the curriculum content of an adequate education. (Mirski, Graf 10; et al: Education)
60, K 349
- HB 342**, establishing a commission to study the barriers to the establishment of all-terrain vehicle trails. (B. Richardson, Ches 5; et al: Resources, Recreation and Development)
new title: establishing a commission to study the barriers to the establishment of all-terrain vehicle trails on public and private lands.
60, am 385, psd 458, S nonconc 723
- HB 343**, establishing a commission to study accessibility for New Hampshire citizens to the water bodies in the state. (Spang, Straf 7; et al: Resources, Recreation and Development)
60, am 385-386, psd 458, S nonconc 723
- HB 344**, relative to the consensus revenue estimating panel. (Hinkle, Hills 19; et al: Ways & Means)
60, K 290
- HB 345**, requiring photo identification to obtain a ballot. (Lund, Rock 5; et al: Election Law)
60, ret 969
- HB 346-L**, relative to the procedures for withdrawal from a multi-town school district. (Drisko, Hills 5; et al: Education)
new title: relative to the procedure for withdrawal from a cooperative school district.
60, am 463-464, psd 516, S conc 724, enr 832 (Chapter 110)
- HB 347**, requiring proof of identity for voter registration. (Lund, Rock 5; et al: Election Law)
60, ret 970
- HB 348**, relative to mortgages held by parties to a divorce. (Converse, Sull 4: Commerce)
new title: relative to real and personal property conveyances made under powers of attorney.
60, am 334-336, psd 456, S conc 702, enr 724 (Chapter 71)
- HB 349**, relative to placement and removal of political advertising. (Millham, Belk 5: Election Law)
60, ret 970
- HB 350**, relative to enforcement of the labor protection statutes. (Marshall Quandt, Rock 13; et al: Labor, Industrial and Rehabilitative Services)
new title: relative to enforcement of the labor protection statutes, permitting certain wage deductions, and increasing the civil penalty in the department of labor.
60, am 521-524, psd 569, conc S am 914, enr am 952, enr 953 (Chapter 241)

- HB 351**, relative to the time for counting absentee ballots. (Patten, Carr 4; et al: Election Law)
60, am 273, psd 325, S nonconc 724
- HB 352**, relative to speed limits. (Patten, Carr 4: Transportation)
60, K 290
- HB 353**, relative to consent to inspect lobster and crab gear of license holders. (Welch, Rock 8; et al: Fish and Game)
new title: relative to consent to haul lobster and crab gear of license holders.
60, am 189-190, psd 266, conc S am 727, enr am 921, enr 923 (Chapter 204)
- HB 354**, relative to the review, approval, and adoption of agency rules. (Patten, Carr 4; et al: Executive Departments and Administration)
60, psd 357, 457, conc S am 846, enr 918, veto sustained (RC) 964-967
- HB 355**, establishing a committee to study the environmental impact and damage mitigation of ATV use on public and private trails. (Franklin, Sull 2: Resources, Recreation and Development)
60, K 386
- HB 356**, relative to the presentation of a budget in a joint maintenance agreement. (Boyce, Belk 5; et al: Education)
60, ret 970
- HB 357**, relative to negligent driving. (Gile, Merr 10; et al: Transportation)
new title: relative to negligent driving, relative to driver's license fees for nonresident aliens, and relative to motor vehicle inspection expiration.
60, am 290, psd 325, nonconc S am, conf 848, 890, rep adop 939, 940, enr 954 (Chapter 267)
- HB 358**, establishing a committee to study the efficacy of the municipal budget committee and cooperative school district budget committee processes. (Casey, Rock 11; et al: Municipal and County Government)
60, K 280
- HB 359**, relative to hardship variances. (Kurk, Hills 7: Municipal and County Government)
new title: defining "unnecessary hardship" for purposes of zoning variances.
60, am 374, psd 458, S nonconc 833
- HB 360**, relative to the amendability of warrant articles requesting appropriations in official ballot towns. (E. Anderson, Merr 13: Municipal and County Government)
60, K 374
- HB 361**, relative to filling vacancies on a party ticket in cases of disqualification or death. (Dorsett, Graf 8; et al: Election Law)
60, K 185
- HB 362**, relative to statutes to be posted at polling places. (Dorsett, Graf 8; et al: Election Law)
60, psd 273, 325, S conc 724, enr 832 (Chapter 111)
- HB 363**, relative to parking at polling places. (Dorsett, Graf 8; et al: Election Law)
60, am 294-295, psd 325, S nonconc 724
- HB 364**, establishing a committee to study adopting the uniform securities act. (D. Eaton, Ches 2: Commerce)
60, K 336
- HB 365**, relative to recount fees. (Dorsett, Graf 8; et al: Election Law)
60, psd 295, 325, S Com 724, 972
- HB 366**, relative to maintenance of voter checklists. (Dorsett, Graf 8; et al: Election Law)
60, am 351-353, psd 457, nonconc S am, conf 848, 890, 919, (no report filed) Clerk's note 968

- HB 367**, allowing municipalities to adopt a homestead exemption for property tax assessments on a person's principal place of residence. (Dorsett, Graf 8: Municipal and County Government) 60, K 302
- HB 368**, relative to limiting the sworn testimony of witnesses. (Buxton, Rock 10; et al: Judiciary) 61, K 363
- HB 369**, relative to notice requirements for public hearings on zoning amendments. (Hopfgarten, Rock 5: Municipal and County Government) 61, K 375
- HB 370**, establishing a committee to study the Land Sales Full Disclosure Act and the Condominium Act. (Marshall Quandt, Rock 13: Municipal and County Government) 61, K 228-229
- HB 371**, relative to mercury reduction. (Phinizy, Sull 5; et al: Environment and Agriculture) 61, rem 330, am 564, psd 570, S LT, Clerk's note 973
- HB 372**, relative to notification of interested parties in medical parole cases. (L. Elliott, Hills 1: Criminal Justice and Public Safety) 61, psd 271, 324, S Com 833, 972
- HB 373**, relative to eligibility for parole for nonviolent offenders with Immigration and Naturalization Service detainees or deportation orders, or a federal prison sentence. (L. Elliott, Hills 1: Criminal Justice and Public Safety) 61, ret 970
- HB 374**, establishing a commission on economic independence. (P. Sullivan, Hills 10: Commerce) 61, ret 970
- HB 375**, relative to right-to-know requirements when interviewing applicants for certain public positions. (Scanlon, Hills 18: Judiciary) 61, K 194
- HB 376**, establishing a statutory joint committee on legislative parking facilities. (Kennedy, Merr 4; et al: Public Works and Highways) 61, K 131-132
- HB 377**, relative to property assessment records posted on the Internet. (Dickinson, Carr 1; et al: Municipal and County Government) 61, K 280
- HB 378**, relative to indicating citizenship on drivers' licenses. (Boyce, Belk 5; et al: Transportation) 61, K 390
- HB 379**, establishing a committee to study funding for the multiple offender program. (Morris, Rock 14: Criminal Justice and Public Safety) 61, K 271
- HB 380**, relative to absentee voting. (Marple, Merr 9; et al: Election Law) 61, ret 970
- HB 381-FN**, relative to special elections, voter lists, and conduct of elections. (Drisko, Hills 5: Election Law) 61, am 353, psd 457, nonconc S am, conf 915, 919, S adop rep 939, rep rej (RC) 940-943
- HB 382**, establishing a commission to develop a strategic capital plan for department of corrections' facilities. (Welch, Rock 8; et al: Criminal Justice and Public Safety)
new title: establishing a committee to develop a strategic capital plan for department of corrections' facilities.
61, am 182-184, psd 266, conc S am 726, enr 889, appointments 980 (Chapter 139)

- HB 383**, relative to vital records administration. (N. Allan, Hills 26; et al: Executive Departments and Administration)
61, am 357-359, psd 457, S conc 893, enr am 955-956, enr 958 (Chapter 268)
- HB 384**, prohibiting mandatory overtime. (Ryan, Merr 2: Labor, Industrial and Rehabilitative Services)
61, K 195
- HB 385**, establishing a committee to study the repeal of the felony count for fourth and subsequent DWI offenders. (Almy, Graf 11: Criminal Justice and Public Safety)
61, ret 970
- HB 386**, relative to agricultural best management practices. (Babson, Carr 3: Environment and Agriculture)
61, psd 299, 325, S conc 702, enr 723 (Chapter 59)
- HB 387**, authorizing the state treasurer to make a lawful money requisition order. (Marple, Merr 9; et al: State-Federal Relations and Veterans Affairs)
61, K 389
- HB 388**, establishing a commission to study the retirement system medical benefits subsidy for retired teachers. (French, Merr 5; et al: Executive Departments and Administration)
61, K 274
- HB 389**, relative to the duties of the postsecondary education commission. (Patten, Carr 4; et al: Education)
61, psd 349-350, 457, S conc 702, enr 723 (Chapter 60)
- HB 390**, relative to the review and approval of individualized education plans. (O'Brien, Hills 4; et al: Education)
61, K 350
- HB 391**, relative to voter registration forms for students. (Weed, Ches 3; et al: Election Law)
61, ret 970
- HB 392-FN**, increasing the mileage reimbursement rate for members of the legislature. (Dickinson, Carr 1; et al: Legislative Administration)
61, psd 527, 569, S nonconc 832
- HB 393**, establishing a committee to study methods for requiring employers to permit volunteer firefighters to respond to calls. (Gorman, Hills 23; et al: Labor, Industrial and Rehabilitative Services)
new title: establishing a committee to study methods for requiring employers to permit voluntary and paid on-call emergency first responders to respond to calls.
61, am 370, psd 457, S nonconc 832
- HB 394**, relative to real estate tax lien procedures for tax collectors. (Price, Hills 26; et al: Municipal and County Government)
61, am 375, psd 458, S conc 681, enr am 830, enr 889 (Chapter 140)
- HB 395**, relative to the adoption of a long-term contract by a school district. (Villeneuve, Hills 18; et al: Education)
62, K 350
- HB 396**, relative to tuition contracts between schools. (Villeneuve, Hills 18; et al: Education)
62, K 350
- HB 397**, relative to authority to file an abuse or neglect petition under the Child Protection Act. (Bickford, Straf 3: Children and Family Law)
62, rcmt 422, ret 970

- HB 398**, removing judicial discretion to include life insurance in a child support order. (Bickford, Straf 3: Children and Family Law)
62, K 179
- HB 399-FN**, relative to the Informed Consent for Abortion Act. (Hagan, Hills 17; et al: Health, Human Services and Elderly Affairs)
62, K (RC) 223-226
- HB 400** not introduced
- HB 401-FN-A**, making an appropriation to the Seacoast Shipyard Association. (Splaine, Rock 16; et al: Finance)
62, psd 488-489, 517, conc S am 683, enr 702 (Chapter 34)
- HB 402**, relative to filling certain vacancies in multi-member representative districts. (Schmidt, Straf 4; et al: Election Law)
62, K 152
- HB 403**, limiting permissible gifts to elected officials. (Jasper, Hills 27: Legislative Administration)
62, vac Election Law 82, ret 970
- HB 404**, permitting public sector employees to request a wage deduction for contributions to a political action committee. (Heon, Straf 2; et al: Labor, Industrial and Rehabilitative Services)
new title: permitting employees to request a wage deduction for contributions to a political action committee.
62, am 370-371, psd 457, S conc 893, enr 923 (Chapter 297)
- HB 405**, relative to discovery depositions in criminal cases of persons under 16 years of age. (Dumaine, Rock 3; et al: Judiciary)
62, vac Children and Family Law 82-83, K 331
- HB 406**, revising certain provisions of the home education statutes. (Marshall Quandt, Rock 13; et al: Education)
62, am (RC) 464-467, psd 516, S Com 891, 972
- HB 407-FN-L**, relative to licensing of dogs. (Patten, Carr 4: Municipal and County Government)
62, Ways & Means (RC) 166-169, rules suspended 460, K 576
- HB 408**, relative to the sale of town-owned land. (Patten, Carr 4: Municipal and County Government)
62, psd 280, 325, S conc 723, enr 764 (Chapter 80)
- HB 409**, requiring identification on tree stands, pit blinds, and observation blinds used for hunting. (Welch, Rock 8; et al: Fish and Game)
62, K 190
- HB 410**, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral. (Graham, Hills 18; et al: Municipal and County Government)
62, ret 970
- HB 411**, relative to the North Conway water precinct. (Dickinson, Carr 1; et al: Municipal and County Government)
62, psd 280, 325, S conc 702, enr am 830, enr 891 (Chapter 150)
- HB 412**, relative to the authority of zoning boards of adjustment to grant variances. (Sorg, Graf 3; et al: Municipal and County Government)
62, K 375
- HB 413**, relative to the appointment of the chief justice of the superior court. (Rowe, Hills 6: Judiciary)
62, ret 970

- HB 414**, relative to regulation of municipal waste combustors. (Maxfield, Merr 6: Science, Technology and Energy)
62, rem 178, am 265, psd 266, S conc 702, enr 724 (Chapter 72)
- HB 415**, excepting installation of fuel gas equipment from regulation by the electrician's board. (Newton, Straf 1; et al: Executive Departments and Administration)
new title: excepting installation of heating equipment from regulation by the electrician's board.
2nd new title: excepting installation of gas furnace or boiler equipment from regulation by the electrician's board.
62, am 274, psd 325, conc S am 846, enr 918 (Chapter 185)
- HB 416**, relative to billing for the semi-annual collection of property taxes. (Hopfgarten, Rock 5; et al: Municipal and County Government)
62, K 280
- HB 417**, relative to petitions for municipal charter revisions. (Hopfgarten, Rock 5; et al: Municipal and County Government)
63, K 538-539
- HB 418**, allowing towns with town charters to have wards. (Hopfgarten, Rock 5; et al: Municipal and County Government)
63, K 280
- HB 419**, relative to the Mount Sunapee ski area boundary and lease terms. (P. McMahon, Merr 3; et al: Resources, Recreation and Development)
63, K (RC) 539-542
- HB 420**, relative to licensing by the board of mental health practice. (Dexter, Ches 6; et al: Executive Departments and Administration)
new title: relative to receiving and addressing complaints against licensees by the board of mental health practice.
63, am 359, psd 457, S conc 681, enr am 830, enr 891 (Chapter 151)
- HB 421**, establishing a committee to study effective dates on legislation. (M. Blanchard, Rock 16: Legislative Administration)
new title: relative to effective dates.
63, am 278, psd 325, conc S am 763, enr 891 (Chapter 152)
- HB 422**, relative to exemptions from the consumer protection act. (Marshall Quandt, Rock 13: Commerce)
63, K 337
- HB 423**, relative to insurance premiums for medical malpractice liability insurance. (Itse, Rock 9; et al: Commerce)
63, K 337
- HB 424-FN**, prohibiting gifts to elected officials. (Solomon, Graf 10: Legislative Administration)
new title: prohibiting the receipt of cash gifts by elected officials.
63, vac Election Law 82, am 473-474, psd 516, S conc 831, enr am 921, enr 923 (Chapter 186)
- HB 425-FN-L**, increasing fees paid to municipalities for registering current model year vehicles. (Scanlon, Hills 18: Municipal and County Government)
63, K 281
- HB 426**, establishing a committee to study the transfer of a certain employee of the department of environmental services. (Marshall Quandt, Rock 13; et al: Executive Departments and Administration)
63, ret 970

- HB 427**, repealing common law marriage. (Bickford, Straf 3: Judiciary)
63, K 165
- HB 428**, relative to clarifying the authority of the Pease development authority and the division of ports and harbors. (Patten, Carr 4: Public Works and Highways)
63, psd 383, 458, nonconc S am, conf 728, 832, rep adop 939, 943, enr 954 (Chapter 269)
- HB 429**, relative to representation by nonattorneys before the board of tax and land appeals. (Dowling, Rock 5: Municipal and County Government)
new title: relative to representation by nonattorneys before the board of tax and land appeals and relative to condemnation proceedings conducted by the board of tax and land appeals.
63, am 375-376, psd 458, S conc 833, enr 891 (Chapter 171)
- HB 430-FN-A**, establishing a one-day resident fishing license. (Carlson, Hills 3: Fish and Game)
63, Ways & Means 190, rules suspended 460, am 576, psd 581, conc S am 763, enr 891 (Chapter 153)
- HB 431-FN-L**, requiring run-offs in certain local elections. (Hawkins, Hills 18; et al: Municipal and County Government)
new title: relative to competing articles and official ballot voting.
63, am 281, psd 325, S nonconc 702
- HB 432-FN**, relative to the septage handling and treatment facilities grant program. (Philbrick, Carr 2; et al: Environment and Agriculture)
new title: relative to the septage handling and treatment facilities grant program and the septage and sludge land application restrictions.
63, am 481, psd 516, S conc 831, enr 889 (Chapter 141)
- HB 433-FN-A**, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor. (King, Coos 1; et al: Resources, Recreation and Development)
64, Finance 201, rules suspended 459, am 574, psd 580, nonconc S am, conf 915, 919, 922, S adop rep 939, rep rej (RC) 943-945
- HB 434-FN**, requiring state agencies using automated answering systems to provide a method of access to a human being. (L. Elliott, Hills 1; et al: Executive Departments and Administration)
64, psd 152, 173, S nonconc 583
- HB 435**, establishing a separate high school civics graduation requirement. (P. Smith, Rock 3; et al: Education)
64, psd 350, 457, S nonconc 833
- HB 436**, relative to the appointment of representatives to regional planning commissions. (Ferland, Sull 5; et al: Municipal and County Government)
64, K 376
- HB 437**, relative to the disposition of municipal records. (N. Allan, Hills 26; et al: Municipal and County Government)
64, am 376-380, psd 458, S conc 833, enr 918 (Chapter 187)
- HB 438**, relative to emissions requirements for municipal waste combustion units. (Phinizy, Sull 5; et al: Science, Technology and Energy)
64, K (RC) 243-245
- HB 439**, relative to registration requirements for criminal offenders. (Knowles, Straf 6; et al: Criminal Justice and Public Safety)
64, am 151, psd 173, S conc 893, enr 923 (Chapter 214)
- HB 440**, relative to hearing ear dogs, guide dogs, and service dogs. (Parkhurst, Ches 4; et al: Criminal Justice and Public Safety)
64, am 344-345, psd 457, conc S am 726-727, enr 833 (Chapter 142)

- HB 441**, relative to the publication of honor rolls and academic awards. (G. Katsakiores, Rock 5; et al: Education)
64, K 350
- HB 442**, establishing a committee to study the feasibility and need for a vocational technical education program at Mascoma Valley regional high school. (Solomon, Graf 10; et al: Education)
64, K 350
- HB 443**, relative to the statute of limitations for fire code violations. (Knowles, Straf 6; et al: Criminal Justice and Public Safety)
64, psd 184, 266, S LT, Clerk's note 973
- HB 444**, relative to the surrender of diseased or injured game animals to the fish and game department. (R. L'Heureux, Hills 19; et al: Fish and Game)
new title: relative to the surrender and condemnation of game animals to the fish and game department.
64, am 190, psd 266, S conc 681, enr 683 (Chapter 27)
- HB 445**, relative to the taking of certain game birds and fur-bearing animals. (R. L'Heureux, Hills 19; et al: Fish and Game)
64, psd 190, 266, S conc 582, enr 681 (Chapter 11)
- HB 446**, relative to applications for resident hunting or fishing licenses. (R. L'Heureux, Hills 19; et al: Fish and Game)
64, psd 191, 266, S conc 681, enr 683 (Chapter 28)
- HB 447-FN**, relative to black bear license and tag fees. (Barker, Graf 6: Fish and Game)
64, psd 276, 325, conc S am 704, enr 764 (Chapter 81)
- HB 448-FN**, relative to the collection of certain fees by the postsecondary education commission. (S. L'Heureux, Merr 9; et al: Education)
new title: relative to the collection of certain fees by the postsecondary education commission and relative to surety indemnification bonds.
64, psd 185, 266, conc S am 894, enr am 952, enr 953 (Chapter 242)
- HB 449-FN**, relative to special wild turkey seasons and permits. (Barker, Graf 6: Fish and Game)
64, psd 276, 325, S conc 681, enr am 830, enr 889 (Chapter 143)
- HB 450-FN-A**, extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor. (Bickford, Straf 3; et al: Children and Family Law)
64, am 203, psd 266, conc S am 893, enr am 952, enr 953, committee amended, report date extended 974 (Chapter 256)
- HB 451-FN-L**, requiring the separate preparation and approval process for the special education budget. (O'Brien, Hills 4; et al: Education)
64, rem 178, K 258
- HB 452**, relative to champerty in actions to quiet title and to extinguish mineral rights. (Marple, Merr 9: Judiciary)
65, K 154
- HB 453-FN**, relative to boat launch access and parking without charge at Hampton and Rye harbors for persons 65 years of age or older. (R. L'Heureux, Hills 19; et al: Ways & Means)
65, K 535
- HB 454**, relative to carrying a concealed weapon without a license. (Marple, Merr 9: Criminal Justice and Public Safety)
65, rem 178, K 255

- HB 455-FN**, relative to establishing a board of private investigation and security services. (Dumaine, Rock 3; et al: Executive Departments and Administration)
65, ret 970
- HB 456-FN**, relative to admissions to the state hospital for certain substance abusers. (Morris, Rock 14: Children and Family Law)
new title: relative to inhaling toxic vapors.
65, am 179-180, psd 266, S conc 724, enr 832 (Chapter 112)
- HB 457**, relative to excavating and dredging permit exemptions for water conveyance systems. (Infantine, Hills 13; et al: Resources, Recreation and Development)
65, am 286-287, psd 325, S conc 681, enr 683 (Chapter 29)
- HB 458**, allowing towns to permit limited youth voting in municipal elections. (Almy, Graf 11; et al: Election Law)
65, K 475
- HB 459**, relative to access to criminal records and enhanced 911 system records and excluding information brokers from private detective licensing. (Tholl, Coos 2; et al: Criminal Justice and Public Safety)
65, ret 970
- HB 460-FN**, relative to the reimbursement to certain providers by the bureau of emergency communications. (Maxfield, Merr 6: Science, Technology and Energy)
65, am 160, psd 173, S Com 891, 972
- HB 461-FN**, establishing number plates supporting New Hampshire public higher education. (F. Sullivan, Hills 12; et al: Transportation)
65, rem 150, K 171
- HB 462**, prohibiting road toll refunds for idling time. (Pilliod, Belk 5; et al: Ways & Means)
65, psd 203, 266, S conc 681, enr 683 (Chapter 30)
- HB 463**, relative to evidence of admissions in medical injury actions. (Price, Hills 26; et al: Judiciary)
65, K 497-498
- HB 464**, relative to the construction of a substance abuse treatment facility in Unity, New Hampshire. (Gale, Sull 3: Executive Departments and Administration)
65, K 153
- HB 465-FN**, authorizing the board of medicine to take non-disciplinary remedial action against physicians. (Pilliod, Belk 5; et al: Executive Departments and Administration)
65, psd 360, 457, S conc 702, enr am 830, enr 891 (Chapter 154)
- HB 466-FN-A**, establishing a research and development tax credit against the business profits tax and the business enterprise tax. (Hinkle, Hills 19; et al: Ways & Means)
65, K (RC) 306-308
- HB 467**, relative to naming private roads. (Bickford, Straf 3: Municipal and County Government)
65, psd 281, 325, S conc 831, enr 833 (Chapter 113)
- HB 468**, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. (Knowles, Straf 6; et al: Criminal Justice and Public Safety)
65, am 345-346, psd 457, nonconc S am, conf 848, 891, (no report filed) Clerk's note 968
- HB 469**, regulating disputes between homeowners and contractors relative to residential construction defects. (Infantine, Hills 13; et al: Commerce)
65, am 337-340, psd 456, conc S am 683, enr am 830-831, enr 891 (Chapter 155)

- HB 470-FN-A**, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs. (Gile, Merr 10; et al: Children and Family Law)
65, Finance 204, rules suspended 459, ret 970
- HB 471**, relative to probate requirements for small estates. (S. Scamman, Rock 13; et al: Judiciary)
66, ret 970
- HB 472**, relative to the definition of recreational program. (Patten, Carr 4; et al: Executive Departments and Administration)
66, am 153, psd 173, conc S am 764, enr 891 (Chapter 156)
- HB 473**, relative to the creation of screening panels for medical injury claims. (C. Hamm, Merr 4; et al: Health, Human Services and Elderly Affairs)
66, vac Judiciary 82, ret 970
- HB 474**, establishing a commission to study the accessible housing needs and available financial assistance resources for individuals with disabilities. (R. L'Heureux, Hills 19; et al: Health, Human Services and Elderly Affairs)
66, K 153
- HB 475**, relative to access to certain criminal records. (Dumaine, Rock 3; et al: Criminal Justice and Public Safety)
66, K 271
- HB 476**, revising the definition of adultery. (W. P. Campbell, Straf 3; Children and Family Law)
66, K 331
- HB 477-FN**, increasing registration fees for pesticides and commercial feeds. (Babson, Carr 3; Environment and Agriculture)
66, am & Ways & Means 186, rules suspended 460, am 576-577, psd 581, S conc 893, enr 923 (Chapter 215)
- HB 478-FN-A**, making an appropriation for "Newslite for the Blind." (Pilliod, Belk 5; et al: Finance)
66, psd 489, 517, conc S am 847, enr 918 (Chapter 174)
- HB 479**, relative to tax bills for land use change taxes. (W. P. Campbell, Straf 3; Environment and Agriculture)
66, K 354
- HB 480**, relative to innovative land use controls. (Mirski, Graf 10; Municipal and County Government)
66, am 380, psd 458, S conc 702, enr 723 (Chapter 61)
- HB 481**, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651: 8-b, RSA 135-C, and RSA 171-B. (L. Elliott, Hills 1; et al: Executive Departments and Administration)
new title: establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651: 8-b, RSA 135-C, and RSA 171-B, and RSA 623:1.
66, am 360, psd 457, nonconc S am, conf 728, S rej conf req 832
- HB 482-FN**, relative to the application form for absentee ballots. (Dorsett, Graf 8; et al: Election Law)
66, ret 970
- HB 483**, relative to instructions to be placed on the general election ballot. (Dorsett, Graf 8; et al: Election Law)
66, psd 185-186, 266, S conc 702, enr 723 (Chapter 62)
- HB 484**, allowing deer hunting with a primitive flintlock muzzleloader. (Kennedy, Merr 4; et al: Fish and Game)
66, K 191

- HB 485**, relative to the basis for awarding custody to a stepparent or grandparent. (Bickford, Straf 3: Children and Family Law)
66, ret 970
- HB 486**, establishing a committee to study firearms confiscation practices in domestic violence matters. (Dickinson, Carr 1; et al: Criminal Justice and Public Safety)
66, K 346
- HB 487-FN**, establishing a volunteer lake assessment program in the department of environmental services. (Alger, Graf 6; et al: Resources, Recreation and Development)
66, am 386, psd 458, conc S am 727, enr 833 (Chapter 114)
- HB 488**, establishing a task force on mental health costs. (Wendelboe, Belk 1: Health, Human Services and Elderly Affairs)
66, am 153-154, psd 173, S nonconc 723
- HB 489-FN**, relative to disclosing an ownership interest in certain health care facilities and businesses. (Morrison, Belk 2; et al: Health, Human Services and Elderly Affairs)
66, vac Criminal Justice 82, ret 970
- HB 490**, relative to law enforcement access to financial records under the New Hampshire right to privacy act. (MacKay, Merr 11: Commerce)
66, am 340-341, psd 457, conc S am 894, enr 951 (Chapter 233)
- HB 491**, relative to the inherent dangers of OHRV operation and limiting landowner liability for certain fish and game related land uses. (Stohl, Coos 1: Fish and Game)
66, vac Resources, Recreation and Development 82, psd 386, 458, S conc 833, enr 891 (Chapter 172)
- HB 492**, relative to health standards for food service handlers. (Morris, Rock 14: Health, Human Services and Elderly Affairs)
66, K 154
- HB 493**, relative to noncommercial antique motor vehicle restoration activities. (Gibson, Hills 19; et al: Transportation)
66, K 390
- HB 494**, establishing a commission to study creating a controlled substance prescription monitoring program. (Pilliod, Belk 5; et al: Health, Human Services and Elderly Affairs)
66, K 193
- HB 495**, relative to court records in civil cases involving taxpayer money. (Dumaine, Rock 3: Judiciary)
66, K 363
- HB 496**, relative to limits on non-economic damages in medical injury actions. (Dickinson, Carr 1; et al: Judiciary)
66, K 498
- HB 497**, relative to stolen checks. (Marshall Quandt, Rock 13; et al: Criminal Justice and Public Safety)
67, K 271
- HB 498**, establishing a study committee relative to the sale of fire-safe cigarettes. (Morris, Rock 14: Criminal Justice and Public Safety)
67, am 271, psd 324, S LT, Clerk's note 973
- HB 499**, relative to participation in and administration of the Manchester employees' contributory retirement system. (Baroody, Hills 13: Executive Departments and Administration)
67, psd 274, 325, S conc 681, enr 702 (Chapter 40)

HB 500 not introduced

HB 501, relative to proving qualifications to vote, requiring identification to obtain a ballot, and relative to citizenship on New Hampshire identifications. (Slocum, Hills 6; et al: Election Law) 67, ret 970

HB 502-FN, allowing certain surviving spouses to receive a retirement system death benefit. (Cloutier, Sull 4; et al: Executive Departments and Administration) 67, K 485

HB 503-FN-A-L, relative to distribution of tobacco settlement funds. (Barry, Hills 16: Ways & Means) 67, K 203

HB 504, relative to the assessment or refund of real estate transfer taxes, and the recording of plans with the register of deeds. (Patten, Carr 4: Municipal and County Government) 67, am 281-282, psd 325, S conc 681, enr 683 (Chapter 31)

HB 505, relative to recording mailing addresses on property deeds. (Patten, Carr 4: Municipal and County Government) 67, am 282-286, psd 325, S Com 832, 972

HB 506, including employees of charitable organizations under the protection of the state law against discrimination. (Rogers Johnson, Rock 13; et al: Labor, Industrial and Rehabilitative Services) 67, ret 970

HB 507, establishing a commission to study noise and hours of operation of motor vehicle racetracks. (Mirski, Graf 10; et al: Transportation) 67, K 161

HB 508, relative to ex parte hearings. (Kennedy, Merr 4: Judiciary) 67, ret 970

HB 509, relative to election of police chiefs. (Kennedy, Merr 4: Municipal and County Government) 67, K 286

HB 510, relative to financial affidavits in domestic relations cases. (Wallner, Merr 12; et al: Children and Family Law) 67, psd 332, 456, S conc 893, enr 923 (Chapter 216)

HB 511, relative to the confidentiality of records pertaining to the support of dependent children. (Wallner, Merr 12; et al: Children and Family Law) 67, psd 332, 456, S conc 893, enr 923 (Chapter 217)

HB 512, establishing a commission to study the feasibility of empowering the New Hampshire housing finance authority to give reverse mortgage loans. (Mirski, Graf 10; et al: Municipal and County Government)

new title: establishing a commission to study property tax relief and reverse mortgages.

2nd new title: expanding the study committee on property tax relief to include reverse mortgages. 67, am 196-197, psd 266, conc S am 683, enr 723, committee amended 974, (Chapter 63)

HB 513, relative to motor vehicle inspection stations. (Ingbretson, Graf 5; et al: Transportation)

new title: relative to on-board diagnostic system inspections.

2nd new title: relative to on-board diagnostic system inspections and relative to motorcycle inspections.

67, am (2RCs) 542-551, psd 570, nonconc S am, conf 704, 832, S adop rep 939, rep adop (RC) 946-948, enr am 956, enr 958, appointments 982 (Chapter 296)

HB 514, establishing the New Hampshire health care quality assurance commission. (Craig, Hills 9; et al: Health, Human Services and Elderly Affairs) 67, psd 130-131, 142, S conc 831, enr 891 (Chapter 157)

- HB 515**, relative to group health insurance coverage for certain entities. (Dickinson, Carr 1; et al: Commerce)
67, ret 970
- HB 516**, relative to general qualifications for elective office. (Itse, Rock 9; et al: Election Law)
67, K 152
- HB 517**, establishing a committee to study certain issues relative to construction and demolition waste and establishing a moratorium on the incineration of any construction and demolition waste. (C. Hamm, Merr 4; et al: Environment and Agriculture)
67, am 482, psd 516, S conc 893, enr 921, appointments 977 (Chapter 205)
- HB 518-FN**, relative to eligibility for youth operators' licenses. (Packard, Rock 3; et al: Transportation)
67, K 390
- HB 519-L**, relative to the authority to accept dedicated streets and to subdivision roads. (W. P. Campbell, Straf 3: Municipal and County Government)
67, K 286
- HB 520**, relative to the USA Patriot Act. (Marple, Merr 9; et al: State-Federal Relations and Veterans Affairs)
67, K 535
- HB 521**, relative to medical insurance coverage for members of the Manchester employees' contributory retirement system. (Baroody, Hills 13: Executive Departments and Administration)
67, rem 270, am (RC) 316-319, psd 325, S conc 681, enr 702 (Chapter 41)
- HB 522**, establishing a committee to study gaming options for New Hampshire. (Vaillancourt, Hills 15; et al: Ways & Means)
68, am 308-309, psd 325, S conc 833, enr am 918-919, enr 921, appointments 977 (Chapter 211)
- HB 523-FN-L**, increasing the marriage license fee. (D. Campbell, Hills 24: Ways & Means)
68, K 203
- HB 524**, relative to outsourcing of jobs. (Weed, Ches 3; et al: Labor, Industrial and Rehabilitative Services)
68, rem 178, rcmt 262, ret 970
- HB 525**, establishing a committee to study the leasing of state-owned conservation land to private entities and relative to a temporary prohibition on the leasing of such lands. (Franklin, Sull 2; et al: Resources, Recreation and Development)
68, K 534
- HB 526**, relative to temporary hearings on domestic violence petitions. (Bickford, Straf 3: Criminal Justice and Public Safety)
68, K 272
- HB 527**, relative to protective orders and possession of firearms. (Kennedy, Merr 4: Criminal Justice and Public Safety)
68, K 346
- HB 528-FN-L**, relative to acquisitions of state surplus real property by municipalities. (C. Hamm, Merr 4; et al: Public Works and Highways)
68, K 157
- HB 529**, establishing a presumption in favor of shared parental rights and responsibilities. (Bickford, Straf 3; et al: Children and Family Law)
68, ret 970
- HB 530**, relative to an informed jury. (Marple, Merr 9; et al: Judiciary)
68, K (RC) 498-501

- HB 531**, relative to application for a writ of habeas corpus. (Marple, Merr 9; et al: Criminal Justice and Public Safety)
68, K 346
- HB 532**, relative to the licensure of dentists by the board of dental examiners. (Langley, Rock 18; Executive Departments and Administration)
68, am 360-361, psd 457, S conc 681, enr 702 (Chapter 42)
- HB 533-FN**, relative to penalties for aggravated felonious sexual assault. (Knowles, Straf 6; et al: Criminal Justice and Public Safety)
68, psd 346-347, 457, S Com 832, 972
- HB 534**, relative to requirements of property appraisal companies. (Cady, Rock 1; et al: Municipal and County Government)
68, K 380-381
- HB 535-FN-A**, increasing the tobacco tax. (Almy, Graf 11; et al: Ways & Means)
68, rules suspended 460, am (2RCs) & protest 583-592, psd 679, S nonconc 833
- HB 536**, relative to excluding deductions from compensation from all elected state, county, and local officials. (Marple, Merr 9; et al: Legislative Administration)
69, rem 330, K 565
- HB 537**, relative to liens filed with public servants. (Marple, Merr 9; et al: Municipal and County Government)
69, rem 330, K 566
- HB 538**, relative to disposing of construction and demolition debris. (Kennedy, Merr 4; et al: Environment and Agriculture)
69, ret 970
- HB 539-FN-A-L**, relative to land and community heritage investment program administration (D. L. Christensen, Hills 19; et al: Finance)
69, psd (RC) 489-491, 517, conc S am 914, enr 951 (Chapter 234)
- HB 540-FN**, relative to the disposal of real property purchased with highway or turnpike funds (Graham, Hills 18; et al: Public Works and Highways)
69, psd 199-200, 266, S conc 582, enr 681 (Chapter 12)
- HB 541**, relative to repealing the incorporation of the New Hampshire Bar Association (Marple, Merr 9; et al: Judiciary)
69, ret 970
- HB 542**, making technical corrections to the uniform trust code. (Hunt, Ches 7: Judiciary)
69, psd 363-364, 457, nonconc S am, conf 915, 919, rep adop 939, 948, enr am 956, enr 957 (Chapter 270)
- HB 543**, establishing a commission to study probate court processes and probate law. (Cady, Rock 1; et al: Judiciary)
69, K 195
- HB 544**, relative to the land and community heritage program. (Rous, Straf 7; et al: Environment and Agriculture)
69, ret 970
- HB 545-FN**, allowing retired police officers to become teachers without rejoining the state retirement system. (Dunn, Ches 3; et al: Executive Departments and Administration)
69, K 187
- HB 546**, relative to the status of the board of trustees of the retirement system. (Zolla, Rock 5; et al: Executive Departments and Administration)
69, psd 274-275, 325, S conc 681, enr 702 (Chapter 43)

- HB 547-FN**, changing the funding limit for on-premise-use fuel oil storage facilities. (D. L. Christensen, Hills 19; et al: Finance)
69, am 362, psd 457, S conc 831, enr 833 (Chapter 115)
- HB 548**, allowing municipalities to include in property tax inventory the value of new construction assessed as of July 1. (Hirschmann, Hills 17; et al: Municipal and County Government)
69, K 381
- HB 549**, modifying notice requirements for the acceptance of unanticipated funds by a school district. (Brundige, Hills 19; et al: Municipal and County Government)
new title: modifying notice requirements for the acceptance of unanticipated funds by a school district, city, town, or public library.
69, am 381, psd 458, conc S am 847, enr 918 (Chapter 188)
- HB 550-FN**, requiring placards in vehicles operated by persons learning to drive. (Morris, Rock 14; et al: Transportation)
69, K 290
- HB 551-FN-L**, relative to the timing of security or assessment in subdivision plat approval. (W. P. Campbell, Straf 3: Municipal and County Government)
69, K 197
- HB 552**, proclaiming March as New Hampshire Irish American Month. (P. Sullivan, Hills 10; et al: Executive Departments and Administration)
69, K 275
- HB 553-FN-A**, relative to a state tax on large lottery winnings. (Field, Merr 7: Ways & Means)
69, ret 970
- HB 554-FN-A**, establishing a state property tax relief program for seniors and the disabled. (Packard, Rock 3; et al: Ways & Means)
69, K 291
- HB 555**, establishing February 6 as Ronald Reagan Day. (Bettencourt, Rock 4; et al: Executive Departments and Administration)
69, K (RC) 485-487
- HB 556-FN**, requiring registration of drug offenders. (Hinkle, Hills 19; et al: Criminal Justice and Public Safety)
69, K 184
- HB 557**, relative to the submission of data to the department of education. (Dunn, Ches 3; et al: Education)
69, psd 350, 457, conc S am 846, enr 918 (Chapter 189)
- HB 558**, relative to the circumstances constituting sexual assault. (Knowles, Straf 6; et al: Criminal Justice and Public Safety)
69, am 347, psd 457, nonconc S am, conf 915, 919, rep adop 939, 948, enr 954 (Chapter 290)
- HB 559-FN**, establishing a preference for New Hampshire vendors in state procurement contracts. (Hinkle, Hills 19; et al: Public Works and Highways)
69, K 157
- HB 560**, relative to timber harvesting. (Dickinson, Carr 1; et al: Environment and Agriculture)
69, am 354-355, psd 457, S conc 681, enr 683 (Chapter 32)
- HB 561**, relative to reasonable accommodation by employers under the state law against discrimination. (Rogers Johnson, Rock 13; et al: Labor, Industrial and Rehabilitative Services)
69-70, psd 371, 457, S LT, Clerk's note 973

- HB 562**, relative to eliminating certain mercury-added products. (Babson, Carr 3; et al: Environment and Agriculture)
70, psd 355, 457, S nonconc 832
- HB 563-FN-A**, increasing the tobacco tax. (Butynski, Ches 4; et al: Ways & Means)
70, LT 309, Clerk's note 968
- HB 564**, permitting the limited use of alcohol in high school culinary arts programs. (Clemons, Hills 24: Education)
70, K 467
- HB 565-FN-A**, relative to the demolition of a certain building to provide access for a public boat ramp for Winnisquam Lake and making an appropriation therefor. (D. Flanders, Belk 4; et al: Public Works and Highways)
70, K 286
- HB 566**, relative to eligibility for public benefits and drivers' licenses. (Kurk, Hills 7: Health, Human Services and Elderly Affairs)
70, vac Transportation 82, K 390-391
- HB 567**, relative to mediation in family law cases involving children. (Franklin, Sull 2; et al: Children and Family Law)
70, psd 422, 458, S nonconc 891
- HB 568**, establishing the greater Derry-Salem cooperative alliance for regional transportation. (R. Cooney, Rock 4; et al: Transportation)
70, psd 202, 266, S conc 724, enr 833 (Chapter 116)
- HB 569**, allowing municipalities to adopt low and moderate income homeowner's property tax relief for local education property taxes. (Alger, Graf 6; et al: Municipal and County Government)
70, K 381
- HB 570**, relative to site plan review and the definition of inclusionary zoning. (Spang, Straf 7 et al: Municipal and County Government)
new title: relative to preliminary site plan review and the definition of inclusionary zoning
70, am 382, psd 458, S conc 681, enr 683 (Chapter 33)
- HB 571-FN**, relative to moorings on Bow Lake. (Holden, Hills 7: Resources, Recreation and Development)
70, K 287
- HB 572**, granting regional water districts the power of eminent domain. (Scanlon, Hills 18: Resources Recreation and Development)
70, vac Municipal and County Government 83, K 382
- HB 573**, establishing a committee to study automobile disposal fees. (Babson, Carr 3: Environment and Agriculture)
new title: establishing a commission to study automobile recycling issues, including disposal fees.
70, am 355-356, psd 457, nonconc S am, conf 915, 919, (no report filed) Clerk's note 968
- HB 574-FN**, requiring the reporting of burn injuries. (DeJoie, Merr 11; et al: Health, Human Services and Elderly Affairs)
70, am 226, psd 266, S LT, Clerk's note 973
- HB 575**, establishing a committee to examine a restructuring of the state health insurance programs. (Morris, Rock 14: Commerce)
70, K 341
- HB 576**, establishing a New Hampshire advantage commission. (Mirski, Graf 10: Ways & Means)
70, K 309

- HB 577**, relative to requirements for debt collection by telephone. (Hess, Merr 9: Commerce)
70, K 341
- HB 578**, relative to construction or development constituting a change in use for purposes of assessing the land use change tax. (Hess, Merr 9: Environment and Agriculture)
70, ret 970
- HB 579**, relative to motor vehicle inspections. (Gibson, Hills 19; et al: Transportation)
70, ret 970
- HB 580**, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D, and providing joint and several liability on all municipalities from a dissolved solid waste management district. (Rodeschin, Sull 2; et al: Environment and Agriculture)
new title: establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D.
2nd new title: establishing a committee to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D.
70, am 356, psd 457, nonconc S am, conf 728, 832, rep adop 939, 948, enr am 956, enr 958, appointments 978 (Chapter 271)
- HB 581**, relative to approval and review of municipal charters. (Kennedy, Merr 4: Municipal and County Government)
70, ret 970
- HB 582**, relative to the policy for records management. (Kennedy, Merr 4: Executive Departments and Administration)
70, psd 275, 325, S Com 891, 972
- HB 583**, establishing an oversight committee to study medical malpractice insurance rates in this state. (Wall, Straf 7; et al: Commerce)
70, am 341-342, psd 457, nonconc S am, conf 847, 891, (no report filed) Clerk's note 968
- HB 584**, relative to evidence of admissions of liability in medical injury actions. (Wall, Straf 7; et al: Judiciary)
70, psd 501, 517, S conc 724, enr 832 (Chapter 144)
- HB 585**, relative to grounds for termination of parental rights. (Dokmo, Hills 6: Children and Family Law)
70, am 332, psd 456, conc S am 894, enr 951 (Chapter 235)
- HB 586**, relative to the periodic review of child support guidelines. (Bickford, Straf 3: Children and Family Law)
71, psd 332, 456, nonconc S am, conf 847, 891, rep adop 939, 948, enr 954 (Chapter 272)
- HB 587**, relative to child abuse and neglect investigations by the department of health and human services. (Itse, Rock 9; et al: Children and Family Law)
71, ret 970
- HB 588**, relative to suspension of drivers' licenses after a motor vehicle accident. (DiFruscia, Rock 4; et al: Transportation)
71, ret 970
- HB 589**, establishing a committee to study gifts and political contributions. (DiFruscia, Rock 4; et al: Election Law)
71, ret 970

- HB 590**, excluding stepchildren from the definition of “child” in the context of support orders. (Bickford, Straf 3: Children and Family Law)
71, ret 970
- HB 591**, relative to the calculation of health and dental insurance costs as part of the child support obligation. (Bickford, Straf 3: Children and Family Law)
71, ret 970
- HB 592**, relative to the child support guidelines. (Bickford, Straf 3: Children and Family Law)
71, ret 970
- HB 593**, requiring motor vehicle drivers’ schools to post bonds. (J. Flanders, Rock 8: Transportation)
71, K 305
- HB 594-FN**, relative to retirement system classification for correctional line personnel. (O’Neil, Rock 15; et al: Executive Departments and Administration)
new title: relative to retirement system classification for department of corrections correctional line personnel.
71, am 487-488, psd 516, S nonconc 724
- HB 595-FN**, establishing the position of state meat inspector. (B. Williams, Graf 8; et al: Executive Departments and Administration)
71, am 361, psd 457, S nonconc 702
- HB 596-FN**, relative to the salary of the state veterinarian. (Phinizy, Sull 5; et al: Executive Departments and Administration)
71, K 275
- HB 597-FN-A**, relative to the natural heritage inventory program. (Spang, Straf 7; et al: Executive Departments and Administration)
71, am & Ways & Means 187, rules suspended 460, psd 580, 581, conc S am 846, enr am 922, enr 951 (Chapter 236)
- HB 598-FN**, establishing a full-time financial exploitation coordinator in the department of justice. (MacKay, Merr 11: Executive Departments and Administration)
71, ret 970
- HB 599-FN**, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles. (Ferland, Sull 5; et al: Transportation)
72, am 391, psd 458, S Com 832, 972
- HB 600** not introduced
- HB 601-FN**, allowing businesses to apply the investment tax credit to contributions made to scholarship funding organizations. (Slocum, Hills 6; et al: Ways & Means)
72, rem 270, SO 324, rules suspended 459, K 535
- HB 602-FN-A**, relative to the unbundling of communications services for purposes of the application of the communications services tax. (Major, Rock 8; et al: Ways & Means)
72, am 291, psd 325, conc S am 847, enr 918 (Chapter 190)
- HB 603-FN-A**, relative to the state’s purchase of the Laconia district courthouse building and making an appropriation therefor. (Fitzgerald, Belk 4; et al: Public Works and Highways)
72, am 169, psd 174, S conc 833, enr 891 (Chapter 158)
- HB 604-FN**, relative to discounts in electronic toll collection and discontinuing the use of tokens. (Dodge, Rock 9; et al: Public Works and Highways)
new title: discontinuing the use of tokens.
72, am (RC) 211-214, psd 266, S LT, Clerk’s note 973

- HB 605-FN**, relative to the funding of the modular building standards program. (D. Flanders, Belk 4: Executive Departments and Administration)
72, K 187-188
- HB 606-FN-A-L**, revising the calculation and distribution of education funding and special education funding. (W.P. Campbell, Straf 3: Education)
72, rules suspended 141, ret 970
- HB 607-FN**, relative to gifts to elected officials. (DiFruscia, Rock 4; et al: Election Law)
72, ret 970
- HB 608-FN**, establishing a right to trial by jury prior to a nonemergency involuntary admission. (Itse, Rock 9; et al: Judiciary)
72, ret 970
- HB 609-FN**, establishing the protection of liberty act. (Itse, Rock 9; et al: Criminal Justice and Public Safety)
72, K 272
- HB 610-FN**, relative to the right to trial by jury in parental rights termination cases. (Itse, Rock 9; et al: Children and Family Law)
72, ret 971
- HB 611-FN**, relative to small group insurers. (Hunt, Ches 7; et al: Commerce)
72, am (4RCs) 429-445, psd 458, S LT, Clerk's note 973
- HB 612-FN**, establishing the New Hampshire volunteer elementary teachers and students program. (Field, Merr 7: Education)
72, rem 178, K (RC) 258-261
- HB 613-FN**, exempting prepared take-out food items sold in supermarkets from the meals and rooms tax. (Field, Merr 7: Ways & Means)
72, rem 270, SO 324, rules suspended 459, K 560
- HB 614-FN-A-L**, providing for state funding of the statewide average education cost per pupil. (Camm, Rock 8: Education)
72, rules suspended 141, ret 971
- HB 615-FN**, relative to insurance coverage for court-ordered counseling services. (Bickford, Straf 3; et al: Commerce)
73, K 342
- HB 616-FN-L**, revising the calculation and distribution of adequate education grants. (King, Coos 1: Education)
new title: relative to the education property tax and the education equity index.
2nd new title: reducing the education property tax rate and relative to the calculation of equitable education grants.
73, rules suspended 141, am & Finance (2RCs) 397-408, rules suspended 459, am (5RCs) & debate printed 630-664, psd 679, conc S am (RC) & debate printed 894-914, enr am & enr 953, repealed 974 (Chapter 257)
- HB 617-FN**, allowing current court stenographers to retain their positions in the New Hampshire courts. (Emerton, Hills 7; et al: Judiciary)
new title: establishing a commission to study the future role of court reporters in New Hampshire's court system.
73, am 364-365, psd 457, S nonconc 832
- HB 618-FN-L**, relative to persons acting as volunteers to a state agency. (MacKay, Merr 11; et al: Labor, Industrial and Rehabilitative Services)
73, am 371-372, psd 458, conc S am 847, enr 918 (Chapter 191)

- HB 619-FN**, relative to skier safety and ski area responsibility. (Dickinson, Carr 1; et al: Resources, Recreation and Development)
73, vac Judiciary 83, am 502-506, psd 517, S conc 831, enr 889, appointments 978 (Chapter 145)
- HB 620-FN**, relative to the accountability of public officials and interference with constitutional and legal rights. (Marple, Merr 9; et al: Criminal Justice and Public Safety)
73, K 272
- HB 621-FN**, requiring disclosure of gifts and campaign contributions by lobbyists. (P. Sullivan, Hills 10: Election Law)
73, ret 971
- HB 622-FN-A**, establishing an income tax. (Converse, Sull 4; et al: Ways & Means)
73, K (RC) 215-217
- HB 623-FN**, relative to licensing requirements in the insurance and financial services industries. (Hunt, Ches 7; et al: Commerce)
73, am & Criminal Justice 204, rules suspended 460, psd 573, 580, S conc 724, enr am 921, enr 923 (Chapter 206)
- HB 624-FN**, relative to penalties in certain health and health-related professions. (Hunt, Ches 7; et al: Executive Departments and Administration)
73, rem 178, rcmt 261, ret 971
- HB 625-FN-L**, relative to bonding limits for the Winnepesaukee river basin project. (F. Tilton, Belk 4; et al: Public Works and Highways)
new title: authorizing borrowing from the state revolving fund for the Winnepesaukee River Basin project.
73, am 214, psd 266, S conc 831, enr 833 (Chapter 117)
- HB 626-FN-L**, relative to the right-to-know law. (Thomas, Belk 5; et al: Judiciary)
73, ret 971
- HB 627-FN**, relative to raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age. (Bickford, Straf 3; et al: Criminal Justice and Public Safety)
73, ret 971
- HB 628-FN**, relative to the authority of law enforcement officers to close an area for the purpose of abating a threat to public health or safety. (Knowles, Straf 6; et al: Criminal Justice and Public Safety)
73, psd 272, 324, conc S am 846, enr 918 (Chapter 192)
- HB 629-FN**, relative to licensing requirements for certain regulated professions. (Hunt, Ches 7; et al: Executive Departments and Administration)
73, K 188
- HB 630-FN**, relative to computer spam and cyber-security. (Morris, Rock 14: Legislative Administration)
73, K 195
- HB 631-FN**, relative to the time after which certain unclaimed property is presumed abandoned. (Marple, Merr 9: Commerce)
73, K 342
- HB 632-FN-L**, creating an environmental policy for New Hampshire. (Ryan, Merr 2; et al: Environment and Agriculture)
73, ret 971
- HB 633-FN-A**, relative to companies which do not provide health insurance to their employees and continually appropriating a special fund. (Weed, Ches 3; et al: Labor, Industrial and Rehabilitative Services)
73, K 228

- HB 634-FN-A**, establishing a state recycling program to provide technical services to municipalities and establishing a fee on disposable and recyclable goods sold at retail. (Rous, Straf 7; et al: Environment and Agriculture)
73, ret 971
- HB 635-FN-L**, relative to education funding. (Hughes, Rock 18; et al: Education)
73, rules suspended 141, rem 330, SO 563, K 577
- HB 636-FN**, requiring the electronic recording of statements by persons subject to custodial interrogation. (T. Robertson, Ches 3: Criminal Justice and Public Safety)
73, rem 270, K 310
- HB 637-FN**, relative to licensure of alcohol and drug abuse professionals. (Kathleen Taylor, Straf 4; et al: Executive Departments and Administration)
73, am 361-362, psd 457, S conc 893, enr am & enr 953 (Chapter 243)
- HB 638-FN**, relative to county liability for payment of nursing home costs. (King, Coos 1; et al: Finance)
73, rules suspended 967, ret 971
- HB 639-FN**, relative to voter registration. (Albert, Straf 1; et al: Election Law)
73, ret 971
- HB 640-FN**, relative to parental rights and responsibilities. (Bickford, Straf 3; et al: Children and Family Law)
74, am 332-333, psd 456, conc S am 894, enr am 956, enr 958 (Chapter 273)
- HB 641-FN**, establishing a statewide homestead exemption against property taxes for seniors. (Dickinson, Carr 1; et al: Municipal and County Government)
74, K 382
- HB 642-FN-L**, relative to the regulation of home inspectors. (Gale, Sull 3: Municipal and County Government)
74, ret 971
- HB 643-FN**, establishing an integrated criminal justice information system. (Stevens, Carr 4: Criminal Justice and Public Safety)
74, rules suspended 330, am & Finance 347-348, rules suspended 459, am 574, psd 580, conc S am 894, enr am & enr 953 (Chapter 244)
- HB 644-FN**, transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services. (Stone, Rock 1; et al: Executive Departments and Administration)
new title: transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services, relative to the joint legislative committee on small group health insurance reform, and establishing a joint legislative committee on healthy kids corporation reform.
2nd new title: transferring certain responsibilities from the department of transportation and the department of health and human services to the department of administrative services.
74, am & Finance 188, rules suspended 459, am 574-575, psd 580, nonconc S am, conf 915, 919, 922, rep adop 939-949, enr am 957-958, enr 958 (Chapter 291)
- HB 645-FN**, relative to fire-safe cigarettes. (Weare, Rock 14: Criminal Justice and Public Safety)
74, rem 178, (RC) Ways & Means 256-258, ret 971
- HB 646-FN-L**, proposing a definition of an adequate education. (Asselin, Rock 7; et al: Education)
74, rules suspended 141, ret 971
- HB 647-FN**, relative to restructuring the department of revenue administration. (Patten, Carr 4; et al: Executive Departments and Administration)
74, am 275, psd 325, S conc 893, enr 923 (Chapter 218)

- HB 648-FN**, relative to reducing frivolous medical injury actions. (Lasky, Hills 26; et al: Judiciary)
74, ret 971
- HB 649-FN-A-L**, relative to the medical examiner's duty to investigate medicolegal cases and the fees for and costs of such investigations. (Stone, Rock 1; et al: Finance)
74, ret 971
- HB 650-FN-L**, revising education funding and distribution and establishing needs-based matching grants. (Carter, Hills 3: Education)
74, rules suspended 141, ret 971
- HB 651-FN-L**, relative to federal lien registration. (Belanger, Rock 4; et al: Municipal and County Government)
74, am & Ways & Means 229, rules suspended 460, am 577, psd 581, S conc 893, enr 923 (Chapter 219)
- HB 652-FN**, relative to the retirement system classification for the director of juvenile justice services, department of health and human services. (Tholl, Coos 2: Executive Departments and Administration)
74, K 275
- HB 653-FN-L**, relative to bonds for construction, development, improvement, and acquisition of broadband facilities. (Maxfield, Merr 6; et al: Municipal and County Government)
74, ret 971
- HB 654-FN-L**, prohibiting the sale or resale of goods or services produced using inmate labor. (Ingbreton, Graf 5; et al: Criminal Justice and Public Safety)
74, ret 971
- HB 655-FN-A**, increasing the boat registration fee for public boat access and exotic aquatic weed control. (R. Cooney, Rock 4: Resources, Recreation and Development)
74, K 215
- HB 656-FN**, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders. (Sokol, Graf 9; et al: Judiciary)
74, ret 971
- HB 657-FN-L**, relative to promoting community revitalization. (Spang, Straf 7; et al: Municipal and County Government)
74, ret 971
- HB 658-FN-A**, requiring the department of transportation to make certain improvements to New Hampshire Route 3 in the town of Tilton and making an appropriation therefor. (Morrison, Belk 2: Public Works and Highways)
74, K 383
- HB 659-FN-A**, establishing a state recycling program to provide technical services to municipalities and establishing a fee on take-out food and beverages. (French, Merr 5; et al: Environment and Agriculture)
74, ret 971
- HB 660-FN-L**, relative to taxation in a cooperative school district. (Essex, Hills 1; et al: Municipal and County Government)
74, K 383
- HB 661-FN**, relative to radiological monitoring in nuclear emergency planning zones. (Powers, Rock 16; et al: Science, Technology and Energy)
74, K 302-303

- HB 662-FN-A**, making an appropriation to the department of health and human services for family mutual support services. (Bleyler, Graf 9; et al: Children and Family Law)
74, am & Finance 204, rules suspended 460, K 575
- HB 663-FN**, establishing a New Hampshire municipal recycling authority and establishing a commission to study the tax exemption for water and air pollution control facilities. (Patten, Carr 4; et al: Environment and Agriculture)
75, ret 971
- HB 664-FN-L**, mandating open enrollment in all school districts. (W. P. Campbell, Straf 3: Education)
75, ret 971
- HB 665-FN-L**, relative to the applicable minimum wage for hourly employees. (Keans, Straf 1; et al: Labor, Industrial and Rehabilitative Services)
75, am (RC) 524-527, recon rej (RC) 560-562, psd 569, S nonconc 832
- HB 666-FN-L**, prohibiting taxation of a village district by a municipality for certain municipal services. (Hopfgarten, Rock 5: Municipal and County Government)
75, K 383
- HB 667-FN**, relative to reckless conduct. (Dumaine, Rock 3; et al: Criminal Justice and Public Safety)
75, K 348
- HB 668-FN**, relative to appeals of decisions by boards, commissions, and agencies regulating professional occupations. (O'Neil, Rock 15; et al: Executive Departments and Administration)
75, K 188-189
- HB 669-FN**, setting the laboratory fee schedule for certain environmental samples. (Gargasz, Hills 5; et al: Executive Departments and Administration)
75, Ways & Means 205, ret 971
- HB 670-FN-A**, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program. (Spang, Straf 7; et al: Municipal and County Government)
new title: relative to the land and community heritage investment program.
75, am & Finance (RC) 230-232, rules suspended 460, ret 971
- HB 671-FN-A-L**, relative to an exemption from the real estate transfer tax. (Currier, Merr 5; et al: Ways & Means)
75, rules suspended 459, K 560
- HB 672-FN**, relative to notaries public and adopting the Uniform Law on Notarial Acts. (Dokmo, Hills 6: Judiciary)
new title: relative to notaries public, justices of the peace, and adopting the Uniform Law on Notarial Acts.
75, am 365-366, psd 457, conc S am 727, enr 833 (Chapter 118)
- HB 673-FN**, making it a felony to knowingly transmit the human immunodeficiency virus or hepatitis to another person. (Slocum, Hills 6: Criminal Justice and Public Safety)
75, ret 971
- HB 674-FN-A**, establishing fees for construction plan reviews by the state fire marshal and establishing the position of fire protection engineer in the division of fire safety. (Stevens, Carr 4; et al: Executive Departments and Administration)
75, K 189
- HB 675-FN**, exempting agricultural tower silos from the education property tax. (Babson, Carr 3: Ways & Means)
75, K 291

- HB 676-FN**, exempting agricultural buildings from the education property tax. (Owen, Merr 4; Ways & Means)
75, K 291
- HB 677-FN**, establishing fees and reporting requirements for the storage of hazardous materials. (S. L'Heureux, Merr 9; et al: Environment and Agriculture)
75, K 482
- HB 678-FN**, relative to the insurance premium tax. (Camm, Rock 8; et al: Commerce)
75, ret 971
- HB 679-FN-L**, authorizing the electronic enforcement of traffic signal violations. (Bouchard, Merr 11; et al: Transportation)
75, rem 270, SO 324, rules suspended 459, IP (RC) 551-554
- HB 680-FN**, relative to witness tampering. (Dumaine, Rock 3; et al: Judiciary)
75, K 195
- HB 681-FN**, relative to training, quality assurance, and licensing of assisted living facilities. (L. Elliott, Hills 1; et al: Health, Human Services and Elderly Affairs)
75, am 193-194, psd 266, nonconc S am, conf 915, 919, rep adop 940-949, enr am & enr 958 (Chapter 274)
- HB 682-FN**, requiring an informational statement regarding the powers of district courts. (Marple, Merr 9; et al: Judiciary)
75, rem 178, K 262
- HB 683-FN**, relative to reporting of motor vehicle offenses by driver education instructors and drivers' school licensees. (R. L'Heureux, Hills 19; et al: Transportation)
75, psd 391, 458, conc S am 915, enr am & enr 953 (Chapter 245)
- HB 684-FN-L**, relative to education funding and the distribution of targeted aid and transition education grants. (Gionet, Graf 3; et al: Education)
75, rules suspended 141, ret 971
- HB 685-FN-A**, permitting casino gambling. (Gionet, Graf 3; et al: Executive Departments and Administration)
75, ret 971
- HB 686-FN**, relative to the judicial branch family division. (Hager, Merr 12; et al: Judiciary)
75, am & Finance 205-211, rules suspended 460, K 575
- HB 687-FN**, relative to tuition waivers for children and spouses of members of the armed forces who die while on active duty. (Shurtleff, Merr 10; et al: Education)
new title: relative to free tuition at New Hampshire public institutions of higher education for children of veterans who die while on active duty or from a service-connected disability.
76, rules suspended 330, am & Finance 421-422, rules suspended 460, psd 575, 580, S conc 724, enr 764 (Chapter 97)
- HB 688-FN**, relative to the regulation of mental health practitioners and the procedures of the board of mental health. (Franklin, Sull 2; et al: Executive Departments and Administration)
76, ret 971
- HB 689-FN**, relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases. (Rogers Johnson, Rock 13; et al: Commerce)
76, ret 971
- HB 690-FN**, relative to medical services for children and pregnant women. (Marshall Quandt, Rock 13; Health, Human Services and Elderly Affairs)
76, rules suspended 141, ret 971

- HB 691-FN-L**, relative to the medicaid program. (Kurk, Hills 7: Health, Human Services and Elderly Affairs)
76, rules suspended 141, am & Finance (2RCs) 408-419, rules suspended 460, am (2RCs) 664-676, psd 680, S conc 831, enr am 920, enr 923, appointments 974, 978 (Chapter 175)
- HB 692-FN-L**, relative to the county department of corrections. (Nedeau, Belk 3; et al: Criminal Justice and Public Safety)
76, am 184, psd 266, nonconc S am, conf 915, 919, rep adop 940, 949, enr 954 (Chapter 275)
- HB 693-FN**, making the low and moderate income homeowners property tax relief program a tax cap and applicable to current year tax liability. (Solomon, Graf 10: Ways & Means)
76, K 203
- HB 694-FN**, relative to interference with service of process. (Ulery, Hills 27: Judiciary)
76, K 154
- HB 695-FN**, requiring the university system of New Hampshire to make payments in lieu of taxes for purchased property. (M. Cooney, Graf 7; et al: Education)
76, vac Municipal and County Government 121, ret 971
- HB 696-FN**, relative to enhanced penalties for crimes against the elderly and persons with disabilities. (MacKay, Merr 11; et al: Criminal Justice and Public Safety)
new title: relative to enhanced penalties for certain crimes against the elderly and persons with disabilities.
76, am 272-273, psd 325, S Com 832, 972
- HB 697-FN**, establishing a commission to study medicaid reimbursement rates for pharmacy providers and exempting pharmacy providers from certain requirements of the department of health and human services relative to reimbursement rates. (Wendelboe, Belk 1; et al: Health, Human Services and Elderly Affairs)
new title: establishing a commission to study medicaid reimbursement rates for pharmacy providers.
2nd new title: establishing a committee to study Medicaid reimbursement rates for pharmacy providers.
76, am 194, psd 266, conc S am 704, enr 724, appointments 978 (Chapter 73)
- HB 698-FN**, relative to penalty assessments. (Welch, Rock 8; et al: Judiciary)
76, am & Finance 211, rules suspended 460, ret 971
- HB 699-FN-A-L**, relative to fines for parking violations. (Kennedy, Merr 4: Municipal and County Government)
76, K 197-198
- HB 700** not introduced
- HB 701-FN**, establishing a citizen complaint review commission. (Marple, Merr 9: Executive Departments and Administration)
76, K 153
- HB 702-FN**, relative to the screening of medical malpractice claims. (Wall, Straf 7; et al: Judiciary)
new title: relative to the screening and mediation of medical malpractice claims.
76, am (2RCs) 506-513, psd 517, S LT, Clerk's note 973
- HB 703-FN**, relative to advertisement of prescription drugs and establishing the pharmaceutical marketing disclosure law. (DeJoie, Merr 11; et al: Commerce)
76, ret 971
- HB 704-FN**, establishing the New Hampshire Rx advantage program and continually appropriating a special fund. (DeJoie, Merr 11; et al: Health, Human Services and Elderly Affairs)
76, ret 971

- HB 705**, relative to passenger restraints. (Pilliod, Belk 5; et al: Transportation)
76, K (RC) 554-556
- HB 706-FN**, relative to the cost of storage of firearms which are voluntarily surrendered to local law enforcement agencies. (Ferland, Sull 5; et al: Criminal Justice and Public Safety)
76, K 348
- HB 707-FN-A**, establishing a credit against the business enterprise tax for certain borrowed and invested money. (Itse, Rock 9; et al: Ways & Means)
76, K 292
- HB 708-FN**, establishing a new state defined contribution retirement plan for new state employees and establishing a committee to study the transition of current employees into the new plan and administration of the new plan. (Wendelboe, Belk 1: Executive Departments and Administration)
76, K 189
- HB 709-FN-L**, relative to records of assessment information available for inspection. (Cady, Rock 1; et al: Municipal and County Government)
76, K 383
- HB 710-FN**, establishing property appraisals for the taxation of property based upon its current use as a residence for persons over 65. (Weed, Ches 3; et al: Municipal and County Government)
new title: relative to the 5-year valuation of municipal assessments, and relative to the total property valuation for the town of Roxbury.
76, rem 330, am 566-567, psd 570, S conc 724, enr 832 (Chapter 119)
- HB 711-FN-A-L**, making an appropriation for kindergarten in the town of Merrimack. (D. L. Christensen, Hills 19; et al: Finance)
76, K 362-363
- HB 712-FN**, relative to electioneering. (Cady, Rock 1; et al: Election Law)
76, K 354
- HB 713-FN**, relative to a process for the request and disclosure of social security numbers. (Patten, Carr 4; et al: Judiciary)
77, ret 971
- HB 714-FN**, adopting the Uniform Partnership Act (1997). (Lasky, Hills 26: Commerce)
77, K 342-343
- HB 715-FN-A**, relative to the regulation of bingo and lucky 7. (Hess, Merr 9; et al: Executive Departments and Administration)
77, ret 971
- HB 716-FN**, relative to securities regulation. (S. Francoeur, Rock 15; et al: Commerce)
77, ret 971
- HB 717**, prohibiting cancellation of property and liability insurance on the basis of certain political activities. (C. Chase, Hills 2; et al: Commerce)
143, rem 330, K 563
- HB 718-FN-A**, relative to group life insurance for New Hampshire citizens serving in the military reserves or national guard and making an appropriation therefor. (Rowe, Hills 6; et al: State-Federal Relations and Veterans Affairs)
143, rules suspended 330, Finance 389, rules suspended 460, ret 971
- HB 719-FN**, recodifying the Articles 1 and 7 of the Uniform Commercial Code. (Hess, Merr 9; et al: Commerce)
rules suspended & intro 171, ret 972

- HB 720-FN**, relative to special number plates. (L. Elliott, Hills; et al: Transportation)
175, rem 330, psd 569, 570, nonconc S am, conf 848, 891, rep adop 940, 949, enr 954,
appointments 981 (Chapter 295)
- HB 721**, prohibiting the department of education and the state board of education from adopting
a definition of an adequate education. (Hess, Merr 9; et al: Education)
175, am (RC) 467-470, psd 516, S nonconc 832
- HB 722**, relative to the spreading of biosolids in certain designated areas. (Babson, Carr 3:
Environment and Agriculture)
268, ret 972

2005 SESSION

HOUSE JOINT RESOLUTIONS

- HJR 1**, recognizing that Kittery, Berwick, and the Piscataqua River are within the boundaries of the
state of New Hampshire. (Marple, Merr 9; et al: State-Federal Relations and Veterans Affairs)
34, ret 972
- HJR 2**, declaring February 12 to be Thaddeus Andrzej Bonawentura Kosciuszko day. (Currier,
Merr 5; et al: Executive Departments and Administration)
71, K 276
- HJR 3**, supporting the Portsmouth Naval Shipyard. (O'Neil, Rock 15; et al: no committee)
intro, rules suspended & psd 726, 761, S conc 831, enr am 921, enr 923 (Chapter 207)

2005 SESSION

HOUSE CONCURRENT RESOLUTIONS

- HCR 1**, urging Congress to withdraw the United States from the United Nations. (Albert, Straf 1;
et al: State-Federal Relations and Veterans Affairs)
20, K (RC) 134-137
- HCR 2**, declaring October 27 to be Boston Red Sox Day. (P. Smith, Rock 3; et al: Legislative
Administration)
34, adop 372, 458, nonconc S am 847
- HCR 3**, urging Congress to require the Department of Justice to conduct a review and release
information to the public regarding mistreatment and restrictions placed on Italian-American
citizens of the United States during World War II. (Pepino, Hills 11; et al: State-Federal
Relations and Veterans Affairs)
63, rem 330, SO 568, K 580
- HCR 4**, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the
state of New Hampshire. (Newton, Straf 1; et al: State-Federal Relations and Veterans Affairs)
64, adop 389, 458, nonconc S am, conf 848, 891, rep adop 940, 949
- HCR 5**, recognizing New Hampshire's ratification of the original Thirteenth Amendment to the
United States Constitution. (Marple, Merr 9: State-Federal Relations and Veterans Affairs)
71, rem 330, K 568
- HCR 6**, urging Congress to enact legislation to make English the official language of the United
States. (Bicknell, Rock 1; et al: State-Federal Relations and Veterans Affairs)
71, rem 330, adop 568, 570, S conc 833
- HCR 7**, urging the United States Congress to establish and revise the current drug policy.
(Ingbreton, Graf 5: State-Federal Relations and Veterans Affairs)
new title: urging the United States Congress to establish a task force to review and revise the
current drug policy.
71, rem 330, am & K 568

HCR 8, urging the Congress of the United States to place a moratorium on new free trade agreements, to investigate and review current free trade agreements and policies of the United States, to investigate and review participation of the United States with international trade organizations and to ensure that such agreements, policies, and participation are in the best interests of the citizens of the state of New Hampshire and the United States. (Ingbretson, Graf 5; et al: State-Federal Relations and Veterans Affairs)
71, adop 389, 458, S LT, Clerk's note 973

HCR 9, commending the New Hampshire Fisher Cats on their championship. (P. Sullivan, Hills 10; et al: Legislative Administration)
71, rem 330, K 565

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire Day. (Easson, Straf 3; et al: Legislative Administration)
new title: recognizing February 8, 2006 as Scouting in New Hampshire Day.
71, adop 527, 569, nonconc S am, conf 848, 891, rep adop 940, 949

HCR 11, establishing joint rules for committees of conference for the 2005 and 2006 sessions of the New Hampshire general court. (W.D. Scamman, Rock 13; et al: no committee)
intro, rules suspended & adop 538, 570, S conc 681

2005 SESSION

HOUSE RESOLUTIONS

HR 1, relative to adopting the rules of the 2004 session for the 2005-2006 biennium.
intro & adop 8

HR 2, relative to recording House sessions and the Permanent Journal.
intro & adop 8

HR 3, relative to the distribution of House publications.
intro & adop 8

HR 4, relative to the Speaker employing personnel per RSA 17-E:5.
intro & adop 9

HR 5, relative to legislative salary and mileage payments.
intro & adop 9

HR 6 through HR 9 not introduced

HR 10, urging increased consideration and preservation of local authority in international trade and investment agreements. (Weed, Ches 3; et al: State-Federal Relations and Veterans Affairs)
20, K 132

HR 11, urging the department of defense to establish a military presence on the New Hampshire seacoast to ensure a rapid response to any threat to domestic security. (Morris, Rock 14: State-Federal Relations and Veterans Affairs)
71, K 389-390

HR 12, proclaiming the first week of each school year as "Dictionary Week." (Easson, Straf 3; et al: Education)
71, adop 351, 457

HR 13, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424). (A. Tilton, Ches 6; et al: State-Federal Relations and Veterans Affairs)
680, ret 972

HR 14, supporting Taiwan's participation in the World Health Organization, and supporting the establishment of a Taiwan-United States free trade agreement. (Weyler, Rock 8: State-Federal Relations and Veterans Affairs)
723, ret 972

HR 15, affirming revenue estimates for fiscal years 2005, 2006 and 2007. (Major, Rock 8)
rules suspended, intro, adop & LT 171-173, am & LT 569, Clerk's note 968

HR 16, requesting that the New Hampshire congressional delegation support optional Social Security personal retirement accounts. (Lund, Rock 5; et al: State-Federal Relations and Veterans Affairs)
723, rcmt 883, ret 972

2005 SESSION

SENATE BILLS

SB 5, establishing a commission to study the state park system. (Resources, Recreation and Development)
267, am 692-693, psd 701, S nonconc, conf 848, rep adop 925, enr 954, appointments 978-979 (Chapter 276)

SB 11-FN, extending the local property tax exemption for wooden poles and conduits. (Ways & Means)
326, psd (RC) 751-755, 761, enr 833 (Chapter 146)

SB 12, relative to contracts with non-profit public academies. (Education)
142, K 705

SB 13, relative to placement and removal of political advertising. (Election Law)
326, ret 972

SB 17, relative to the definition of educational institution for the purpose of higher education loans. (Education)
144, psd 735, 761, enr 833 (Chapter 120)

SB 18, relative to sales of tickets for pure lotteries by those not employed by the lottery commission. (Ways & Means)
267, K 718

SB 19, relative to qualifications to sell lottery, bingo, and lucky 7 tickets. (Judiciary)
326, vac Executive Depts. 478, am 736, psd 761, S nonconc, conf 916, rep adop 925, enr 954 (Chapter 277)

SB 20-FN, relative to an increase in lottery ticket prices. (Ways & Means)
175, psd (RC) 718-720, 722, enr 764 (Chapter 82)

SB 21, relative to voluntary mediated agreements in adoptions. (Children and Family Law)
142, am 704-705, psd 721, S conc 893, enr am 923, enr 953 (Chapter 246)

SB 23, relative to membership on the public water access advisory board. (Resources, Recreation and Development)
82, rem 330, am 567, psd 570, S conc 833, enr 891, committee amended 974 (Chapter 159)

SB 27-FN, relative to an exemption from the annual inspection of health facilities. (Health, Human Services and Elderly Affairs)
175, K 277

SB 28, relative to confidentiality and workers' compensation. (Labor, Industrial and Rehabilitative Services)
82, am 737, psd 761, S nonconc, conf 917, rep adop (RC) 926-928, enr 954 (Chapter 278)

SB 30, establishing the Collaborative Practice for Emergency Contraception Act. (Health, Human Services and Elderly Affairs)
570, vac Executive Depts. 572, psd (3RCs) & protest 740-749, recon rej (RC) 758-761, psd 761, enr 833 (Chapter 131)

- SB 36-FN**, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund. (Environment and Agriculture)
175, K (RC) 825-828
- SB 37**, relative to disclosure of expert testimony. (Judiciary)
327, am 689, psd 701, S nonconc, conf 916, rules suspended & corrected, rep adop 928-929, enr 954 (Chapter 279)
- SB 38-FN**, relative to school building aid for certain receiving districts. (Education)
571, Finance 709, psd 823, 829, enr am 889, enr 921 (Chapter 208)
- SB 39**, relative to disinterment of dead bodies. (Health, Human Services and Elderly Affairs)
82, rem 178, am 262, psd 266, S conc 832, enr 833 (Chapter 147)
- SB 40**, permitting special school district meetings to be held in conjunction with the biennial election in certain school districts. (Education)
267, psd 705, 721, enr 764 (Chapter 83)
- SB 41**, relative to penalties for certain OHRV violations. (Fish and Game)
82, psd 685, 701, enr 723 (Chapter 64)
- SB 42**, establishing a pharmaceutical study committee to study direct purchasing of prescription medication by the state. (Health, Human Services and Elderly Affairs)
144, K 277
- SB 43**, relative to the administration of estates of persons presumed dead. (Judiciary)
571, am 737, psd 761, S nonconc, conf 917, rep adop 925, enr am 954, enr 958 (Chapter 280)
- SB 44**, establishing a study committee on student credit card debt and regulation of credit card solicitation on college campuses. (Commerce)
82, K 823
- SB 45-L**, relative to the Hanover school district tax stabilization fund. (Education)
82, psd 705, 721, enr 724 (Chapter 74)
- SB 46**, relative to the duties of law enforcement officials upon receiving reports of missing adults. (Criminal Justice and Public Safety)
326, am 734-735, psd 761, S conc 893, enr am 923, enr 953 (Chapter 247)
- SB 48-FN**, prohibiting unlawful peering into the dwelling place of another. (Judiciary)
144, vac Criminal Justice 478, am 684, psd 701, S nonconc 832
- SB 49-FN**, including multiple sclerosis in the catastrophic illness program. (Health, Human Services and Elderly Affairs)
327, psd 694, 701, enr 723 (Chapter 65)
- SB 52**, establishing the state suggestion and extraordinary service award program. (Executive Departments and Administration)
176, am 705-706, psd 721, S conc 893, enr am 922, enr 953, repealed and re-enacted 974, 981 (Chapter 258)
- SB 53-FN**, relative to increased funding for publication of certain materials by the department of environmental services and changing the title of chief operations officer to chief financial officer in the department of environmental services. (Executive Departments and Administration)
new title: relative to increased funding for publication of certain materials by the department of environmental services.
82, am & Finance 685, psd 737, 761, S conc 893, enr 923 (Chapter 220)
- SB 54**, clarifying the role of a guardian ad litem in guardianship proceedings. (Children and Family Law)
82, psd 802, 829, enr 891 (Chapter 160)

- SB 55**, relative to the New Hampshire film and television commission and state promotional initiatives. (Executive Departments and Administration)
176, psd 685, 701, enr 723, appointments 981 (Chapter 66)
- SB 56**, relative to penalties for eluding pursuit by a law enforcement officer. (Criminal Justice and Public Safety)
570, K 735
- SB 57**, establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties. (Health, Human Services and Elderly Affairs)
176, am 277, psd 325, S conc 723, enr 764, appointments 979 (Chapter 84)
- SB 58-FN**, making certain changes in the workers' compensation law. (Labor, Industrial and Rehabilitative Services)
267, psd 707, 721, enr 764 (Chapter 85)
- SB 59**, relative to the general powers and duties of guardianship. (Judiciary)
82, psd 689, 701, enr 723 (Chapter 67)
- SB 60**, clarifying probate court procedures in cases involving the Uniform Transfers to Minors Act. (Judiciary)
326, psd 689, 701, enr 723 (Chapter 68)
- SB 61**, relative to judges giving notice of intent to retire, and relative to retired status for judges and assignment of judicial referees. (Judiciary)
570, am 709-710, psd 722, S nonconc, conf 917, rep adop 935, enr 954 (Chapter 292)
- SB 62-FN**, allowing court fees to be paid by credit card. (Ways & Means)
327, am 708, psd 722, S nonconc, conf 849, rep adop 935, enr 954 (Chapter 281)
- SB 63-FN-A**, establishing a court mediation fund to pay the costs of a mediation program in the district courts. (Judiciary)
267, (RC) Ways & Means 710-713, SO 829, psd (RC) 883-886, 889, enr 918 (Chapter 193)
- SB 64**, establishing a committee to study small group health insurance plans. (Commerce)
327, ret 972
- SB 65**, ratifying changes to the state building code adopted by the state building code review board. (Executive Departments and Administration)
142, psd 706, 721, enr 724 (Chapter 75)
- SB 66**, establishing a committee to study the creation of a northern New England purchasing alliance for small business health insurance. (Commerce)
new title: establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England.
267, am 728-729, psd 761, S conc 833, enr am 889, S nonconc enr am 920, enr am 920, enr 923, appointments 979 (Chapter 237)
- SB 68**, relative to certain costs for the development of a high school in the town of Bedford. (Education)
142, rem 704, K 720
- SB 69-L**, relative to certain insurance liens. (Municipal and County Government)
327, K 751
- SB 70**, relative to the powers of special corporations. (Executive Departments and Administration)
267, rem 683, rcmt 697-698, am 814-815, psd 829, S nonconc, conf 916, rep adop 936, enr 954 (Chapter 282)
- SB 72**, relative to the licensing of public adjusters. (Executive Departments and Administration)
267, ret 972

- SB 73*, relative to market conduct record retention and production. (Commerce)
82, am 802-803, psd 829, S conc 893, enr 923 (Chapter 221)
- SB 74*, making certain technical changes in the insurance laws. (Commerce)
142, am 803-804, psd 829, S conc 893, enr am 923, enr 953 (Chapter 248)
- SB 75-FN*, relative to the statute of limitations for a civil actions based upon a sexual assault case. (Judiciary)
142, am (RC) 713-716, psd 722, S nonconc, conf 917, rep adop 936, enr 954 (Chapter 283)
- SB 76*, relative to the extension of restraining orders under the domestic violence protection act. (Criminal Justice and Public Safety)
142, am 348, psd 457, S nonconc, conf 916, rep adop 936, enr 954 (Chapter 284)
- SB 77*, relative to the review of proposed health care provider contracts. (Commerce)
267, am 729, psd 761, S conc 833, enr 891 (Chapter 161)
- SB 78*, relative to payment of health care providers by health carriers. (Commerce)
267, am 729-734, psd 761, S conc 833, enr 891 (Chapter 162)
- SB 79*, relative to the governance of the regional community-technical colleges. (Executive Departments and Administration)
571, am 815-816, psd 829, S conc 893, enr 923 (Chapter 222)
- SB 80*, permitting the Emerald Lake village district to enact and enforce regulations to protect its public water supply and to have a health officer. (Municipal and County Government)
144, K 818
- SB 83*, establishing a commission to study issues relative to the comprehensive shoreland protection act. (Resources, Recreation and Development)
142, rem 728, am 756-758, psd 761, S conc 833, enr am 889, enr 921, appointments 979-980 (Chapter 209)
- SB 85*, relative to expenses of operating bingo games. (Ways & Means)
144, psd 755, 761, enr 833 (Chapter 121)
- SB 86*, permitting on-site samples and retail sales by liquor manufacturer licensees. (Executive Departments and Administration)
570, vac Commerce 583, Ways & Means 705, am 739-740, psd 761, S conc 893, enr 923 (Chapter 223)
- SB 87*, relative to extension of tax liens by the department of revenue administration. (Ways & Means)
176, psd 708, 722, enr 764 (Chapter 86)
- SB 88*, relative to emergency medical transportation. (Health, Human Services and Elderly Affairs)
571, am 686, psd 701, S conc 833, enr 891 (Chapter 163)
- SB 89-FN*, relative to financing federally aided highway projects. (Public Works and Highways)
570, ret 972
- SB 90-FN-A-L*, relative to kindergarten construction aid. (Education)
144, Finance 709, psd 823, 829, enr 891 (Chapter 164)
- SB 91-FN*, relative to an increase in the co-payment for participation in the animal population control program. (Environment and Agriculture)
142, Ways & Means 735, psd 886, 889, enr 918 (Chapter 194)
- SB 93-FN*, transferring the electricians' board to the department of safety. (Executive Departments and Administration)
327, rem 728, psd 755, 761, enr 833 (Chapter 122)

- SB 98-FN**, relative to issuing duplicate registrations for off highway recreational vehicles. (Fish and Game)
142, psd 685, 701, enr 723 (Chapter 69)
- SB 99-FN**, relative to the penalty for failure to file a property inventory form. (Municipal and County Government)
267, K 690
- SB 101-FN**, relative to developmentally disabled services for persons under 21 years of age. (Health, Human Services and Elderly Affairs)
571, K 694
- SB 102-FN**, limiting liability for failure to arrest persons under 21 years of age illegally transporting alcoholic beverages. (Judiciary)
326, K 689
- SB 104-FN**, relative to the tax exemption for water and air pollution control facilities. (Municipal and County Government)
267, ret 972
- SB 105**, granting the executive director of fish and game authority to promote hunting, fishing, and wildlife-related activities. (Fish and Game)
143, am & Ways & Means 685-686, am 755, psd 761, S conc 833, enr 891 (Chapter 165)
- SB 106-FN**, making unauthorized recording in a motion picture theater a crime. (Criminal Justice and Public Safety)
326, psd 684, 701, enr 723 (Chapter 70)
- SB 108-FN**, relative to newborn screening tests and fees for newborn screening tests. (Health, Human Services and Elderly Affairs)
327, am & Ways & Means 686-687, am 821, psd 829, S nonconc, conf 917, rep adop 937, enr am 954, enr 958 (Chapter 285)
- SB 110-FN-A**, establishing the New Hampshire Rx plus program for prescription drugs. (Health, Human Services and Elderly Affairs)
327, ret 972
- SB 111**, relative to persons conducting securities broker-dealer and investment advisor businesses. (Commerce)
326, am 804-805, psd 829, S conc 893, enr 923 (Chapter 224)
- SB 112-FN**, establishing a committee to study viatical settlements. (Commerce)
327, psd 684, 701, enr 702, appointments 980 (Chapter 44)
- SB 113-FN**, relative to the use of federal funds for technology improvements within the department of employment security. (Labor, Industrial and Rehabilitative Services)
327, Finance 716, rem 728, SO 756, psd 859-860, 889, enr 918 (Chapter 195)
- SB 115-FN**, relative to the transfer of responsibility for asbestos-related issues from the department of health and human services to the department of environmental services. (Executive Departments and Administration)
327, am 816, psd 829, S conc 893, enr am 922, enr 953 (Chapter 249)
- SB 117-FN**, relative to utility property tax appeals. (Municipal and County Government)
267, psd 707, 722, enr 764 (Chapter 87)
- SB 119**, establishing a committee to study exempting acute care rehabilitation from the nursing home moratorium. (Health, Human Services and Elderly Affairs)
570, K 687
- SB 120**, relative to the purchase of rail properties. (Transportation)
326, psd 708, 722, enr 764 (Chapter 88)

- SB 121**, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision. (Resources, Recreation and Development)
570, rem 801, SO 829, am (RC) 880-883, psd 889, S nonconc am, conf 917, rep rej 939
- SB 123**, relative to the liability of pet shops for the sale of sick animals. (Commerce)
570, K 734
- SB 124**, relative to the regulation of real estate brokers by the real estate commission. (Executive Departments and Administration)
327, am 749-750, psd 761, S nonconc, conf 916, rep adop 937, enr 954 (Chapter 286)
- SB 125-FN**, repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism. (Commerce)
571, psd (2RCs) 837-846, 889, enr am 919, enr 923 (Chapter 225)
- SB 126**, establishing a committee to study the appeals process in cases between landlords and tenants. (Municipal and County Government)
144, psd 690, 701, enr 702, appointments 980 (Chapter 45)
- SB 127-FN**, relative to the regional community-technical college system's acquisition of the building currently leased from the Pease development authority. (Public Works and Highways)
326, am 818-821, psd 829, S nonconc, conf 917, (no report filed), Clerk's note 968
- SB 128-FN**, relative to the establishment of emissions reduction standards as required by the Clean Power Act. (Science, Technology and Energy)
327, ret 972
- SB 132**, relative to the board of marital mediator certification. (Children and Family Law)
144, am 822, psd 829, S conc 893, enr am 923, enr 953 (Chapter 250)
- SB 137-FN-A**, relative to the Conway Branch railroad. (Finance)
176, psd 817, 829, enr 918 (Chapter 196)
- SB 138-L**, relative to motor vehicle liability for municipal workers. (Transportation)
327, psd 708, 722, enr 722 (Chapter 46)
- SB 140**, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas. (Environment and Agriculture)
267, vac Resources, Recreation and Development 329, ret 972
- SB 141-L**, authorizing the establishment of certain reserve funds by the Gorham, Randolph, and Shelburne school districts. (Education)
144, psd 705, 721, enr 764 (Chapter 89)
- SB 142**, extending the reporting date of the commission to study issues relative to groundwater withdrawals. (Resources, Recreation and Development)
144, am 693, psd 701, S nonconc, conf 849, rep adop 937, enr 954, report date extended 974 (Chapter 287)
- SB 143**, relative to the adoption and use of impact fees for public open space. (Municipal and County Government)
570, K 737-738
- SB 145-FN**, establishing a medical/vision advisory board. (Transportation)
571, am 717-718, psd 722, S conc 832, enr 833 (Chapter 123)
- SB 146-FN-A-L**, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices. (Finance)
571, SO 829, (RC) Ways & Means 834-837, suspension of rules rej (RC) & rcmt 886-889, ret 972

- SB 147-FN-L**, relative to eligibility for local assistance. (Municipal and County Government)
571, ret 972
- SB 148**, relative to motorcycle inspections and relative to electronic inspection information.
(Transportation)
327, ret 972
- SB 150-FN**, relative to application fees for certain bank incorporations. (Commerce)
267, Ways & Means 684, psd 740, 761, enr 833 (Chapter 124)
- SB 152-FN**, relative to audits by the department of revenue administration of enhanced 911 charges
and relative to the confidentiality of information collected by the department of safety regard-
ing the surcharge for the enhanced 911 system. (Science, Technology and Energy)
267, am & Ways & Means 693-694, psd 740, 761, S conc 893, enr am 923, enr 953
(Chapter 251)
- SB 153-FN**, relative to the administration of certain programs by the department of environmental
services. (Executive Departments and Administration)
new title: relative to the administration of a certain program by the department of environ-
mental services.
2nd new title: relative to the administration of a certain program and the production of geo-
logic and other publications in electronic media format by the department of environmental
services.
176, am 736, psd 761, S nonconc, conf 916, rep adop 937-938, enr am 954, enr 958
(Chapter 288)
- SB 156-FN**, relative to criminal trespass. (Criminal Justice and Public Safety)
326, am 684-685, psd 701, S conc 724, enr 832 (Chapter 125)
- SB 157-FN**, relative to all terrain vehicles used for agricultural purposes. (Transportation)
326, ret 972
- SB 163-FN**, establishing the New Hampshire pharmaceutical assistance program. (Health, Human
Services and Elderly Affairs)
570, Finance 694, am 823-824, psd 829, S nonconc, conf 919, rep adop 938, enr 954
(Chapter 294)
- SB 164-FN**, relative to the disposal of real property purchased with highway or turnpike funds.
(Public Works and Highways)
326, psd 717, 722, enr am 831, enr 921 (Chapter 212)
- SB 165-FN**, relative to the collection of tax debts from out-of-state debtors. (Ways & Means)
176, am 740, psd 761, S conc 833, enr 891 (Chapter 166)
- SB 167**, relative to extension of guardianship. (Judiciary)
570, psd 707, 721, enr 764 (Chapter 90)
- SB 168**, relative to administration of estates. (Judiciary)
570, am 707, psd 721, S conc 893, enr am 923, enr 953 (Chapter 252)
- SB 169**, relative to access to confidential court records. (Judiciary)
571, K 707
- SB 170**, revising the nurse practice act. (Executive Departments and Administration)
571, am (RC) 849-857, psd 889, S nonconc, conf 916, rep adop 938, enr am 954, enr 958
(Chapter 293)
- SB 171**, establishing a committee to study HIV/AIDS service delivery. (Health, Human Services
and Elderly Affairs)
571, psd 687, 701, enr 702, appointments 980 (Chapter 47)

- SB 172**, establishing a committee to study a medical fee schedule for workers' compensation. (Labor, Industrial and Rehabilitative Services)
267, rcmt 717, ret 972
- SB 173**, relative to exceptions to licensure for electricians. (Executive Departments and Administration)
326, psd 817, 829, enr 891 (Chapter 167)
- SB 175**, requiring insurance coverage for certified midwives. (Commerce)
326, rcmt 824-825, ret 972
- SB 176**, creating a public safety exception to a municipality's denial of an appropriation of a budgetary item. (Municipal and County Government)
326, K 738
- SB 179**, requiring hunters to report the death or injury of domestic animals. (Environment and Agriculture)
570, am 813-814, psd 829, S nonconc, conf 916, rep adop 939, enr 954 (Chapter 289)
- SB 180-FN-A-L**, increasing certain motor vehicle registration fees and appropriating the funds for local government records management programs. (Municipal and County Government)
327, K 751
- SB 182-FN**, relative to electronic issuance of warrants. (Judiciary)
176, psd (RC) 695-697, 701, enr 724 (Chapter 76)
- SB 183**, authorizing licensed medical adult day program facilities to assist clients with medication. (Health, Human Services and Elderly Affairs)
570, K 695
- SB 184-FN**, adopting the Uniform Child-Custody Jurisdictional Enforcement Act. (Children and Family Law)
327, K 802
- SB 186**, allowing probate court judges and district court justices to sit on probate or district court cases. (Judiciary)
571, am 750, psd 761, S conc 893, enr am 923, enr 953 (Chapter 253)
- SB 187**, relative to allowing alternative certified hazardous waste coordinator programs. (Environment and Agriculture)
570, am 735-736, psd 761, S conc 833, enr 891 (Chapter 168)
- SB 188**, relative to the construction of buildings on properties without street frontage. (Municipal and County Government)
327, am 738-739, psd 761, S conc 893, enr 923 (Chapter 226)
- SB 189**, authorizing the use of interest rate swap agreements and other similar agreements by the cities of Manchester and Nashua. (Municipal and County Government)
327, psd 707-708, 722, enr 764 (Chapter 91)
- SB 192**, relative to service in a war or conflict qualifying for the veterans' tax credit. (Municipal and County Government)
267, rem 728, psd 756, 761, enr 833 (Chapter 126)
- SB 195**, relative to the effective date of the law requiring the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program. (Science, Technology and Energy)
327, rem 683, K (RC) 698-700
- SB 196**, requiring a hearing when medical malpractice insurance rates change. (Commerce)
571, rem 801, SO 829, K (RC) 857-859

- SB 199**, establishing exemptions from certain administrative requirements for the department of regional community-technical colleges. (Finance)
570, am 817-818, psd 829, S conc 893, enr 923 (Chapter 227)
- SB 201**, making technical corrections to certain environmental laws and the small business technical assistance program. (Environment and Agriculture)
143, am 814, psd 829, S conc 893, enr am 923, enr 953 (Chapter 254)
- SB 202**, relative to property taxable as utility property. (Ways & Means)
327, psd 709, 722, enr 764 (Chapter 96)
- SB 203**, relative to leases and contracts for buildings or lands owned by the fish and game department. (Public Works and Highways)
143, am 690-691, psd 701, S conc 724, enr 832 (Chapter 127)
- SB 206-FN**, relative to the state code of ethics and establishing an executive ethics commission. (Election Law)
327, ret 972
- SB 208-FN**, relative to certification of driver education instructors. (Education)
327, vac Transportation 516, psd 708, 722, enr 764 (Chapter 92)
- SB 209-FN**, relative to licensing of money transmitters and check cashers. (Executive Departments and Administration)
328, vac Commerce 583, ret 972
- SB 210-FN**, relative to a declaratory judgment to adjudicate constitutional nexus. (Judiciary)
571, K 716
- SB 211-FN**, relative to pharmaceutical marketers. (Commerce)
267, ret 972
- SB 212**, relative to the railroad tax. (Ways & Means)
327, psd 709, 722, enr 764 (Chapter 93)
- SB 214**, relative to screening panels for medical injury claims. (Judiciary)
571, psd (3RCs) 860-880, 889, enr 918, appointments 982 (Chapter 197)
- SB 215-FN**, creating a committee to study banning the incineration of construction and demolition debris. (Science, Technology and Energy)
new title: creating a committee to study alternatives for the disposal of construction and demolition debris.
328, am 739, psd 761, S conc 833, enr 891, appointments 980 (Chapter 169)
- SB 216**, establishing a commission to study area agencies. (Health, Human Services and Elderly Affairs)
571, am 688, psd 701, S nonconc, conf 916, 921, (no report filed) Clerk's note 968
- SB 219-FN**, relative to examinations under workers' compensation. (Labor, Industrial and Rehabilitative Services)
267, rem 704, psd 721, 722, enr 764 (Chapter 94)
- SB 222-FN**, relative to cumulative trauma under workers' compensation. (Labor, Industrial and Rehabilitative Services)
267, rem 704, am 721, psd 722, S conc 832, enr 833 (Chapter 128)
- SB 223-FN**, relative to licensing nondepository mortgage bankers and brokers. (Executive Departments and Administration)
328, vac Commerce 583, am 805-813, psd 829, S conc 893, enr am 923, enr 953 (Chapter 255)
- SB 224**, relative to the committee on judicial conduct. (Judiciary)
328, am 689-690, psd 701, S conc 724, enr 832 (Chapter 129)

SB 226, relative to the regulation of snowmobiles and off highway recreational vehicles. (Resources, Recreation and Development)
571, psd 693, 701, enr am 724, enr 921 (Chapter 210)

SB 227, naming a certain bridge in the town of Enfield the Henry P. Brown, M.D. Bridge, renaming the White Mountain Attraction Building as the Dick Hamilton Building, and renaming the Twin Mountain Bridge as the Kenneth B. Jordan Memorial Bridge. (Public Works and Highways)
new title: naming a certain bridge in the town of Enfield the Henry P. Brown, M.D. Bridge, naming the White Mountains Attractions Building the Norman B. Fadden White Mountains Attractions Building, and naming a bridge in the town of Carroll the Kenneth B. Jordan Memorial Bridge.
571, am 691-692, psd 701, S conc 723, enr 764 (Chapter 95)

SB 228-FN-A, making an appropriation for emergency home heating assistance.
rules suspended, intro & psd (RC) 961-964, enr 968, appointments 980 (Chapter 298)

2005 SESSION

SENATE JOINT RESOLUTIONS

SJR 1, declaring the month of April 2005 to be Boston Red Sox Month. (Legislative Administration)
82, psd 373, 458, enr 519 (Chapter 2)

SJR 2, urging Congress to reject the Streamlined Sales Tax Project. (State-Federal Relations and Veterans Affairs)
267, psd 739, 761, enr 833 (Chapter 130)

2005 SESSION

SENATE CONCURRENT RESOLUTIONS

SCR 1, endorsing a farm viability task force. (Environment and Agriculture)
144, am 814, adop 829, S conc 893

SCR 2, relative to reauthorization of the Transportation Equity for the 21st Century Act (TEA-21). (State-Federal Relations and Veterans Affairs)
327, adop 739, 761

SCR 3, relative to the Boy Scouts of America. (Legislative Administration)
144, ret 972

SCR 4, supporting federal funding for Lyme disease research. (Health, Human Services and Elderly Affairs)
267, adop 689, 701

SCR 5, recognizing the increasing problem of exotic aquatic weeds and species.
intro rej & Clerk's note 917

2005 SESSION

CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

CACR 1, relating to taxation. Providing that the maximum increase in any budget bill in the state or its political subdivisions shall be limited by the rates of inflation and population growth unless overridden. (Weyler, Rock 8; et al: Finance)
12, rem 270, K (RC) 319-321

CACR 2, relating to the appointment of judges. Providing that judges shall be appointed to 5-year terms of office which may be renewed. (Bicknell, Rock 1; et al: Judiciary)
12, K (RC) 162-165

CACR 3, relating to state income tax revenue. Providing that all state income tax revenue shall be dedicated to the funding of public education. (T. Robertson, Ches 3; et al: Ways & Means)
12, K 109

- CACR 4**, relating to taxation. Providing that a 3/5 vote is required to pass a new tax or to increase a tax after it is levied. (Camm, Rock 8; et al: Ways & Means)
12, K (RC) 109-112
- CACR 5**, relating to the size of the house of representatives and compensation of the legislature. Providing that the number of representatives be reduced to 100 and that compensation shall be an average daily wage of the citizens of the state. (T. Robertson, Ches 3; et al: Legislative Administration)
20, K 372
- CACR 6**, relating to state representative and state senate districts. Providing that there shall be 36 senate districts and 4 house districts within each senate district. (Pratt, Ches 2: Election Law)
20, K 83
- CACR 9**, relating to taxation. Providing that a 2/3 vote is required to pass a new tax or to increase a tax after it is levied and that the maximum increase in any budget bill shall be limited by the rates of inflation and population growth. (P. Smith, Rock 3; et al: Ways & Means)
36, K (RC) 112-115
- CACR 10**, relating to apportionment of representatives. Providing that the legislature apportion representative districts according to certain fixed standards. (Itse, Rock 9; et al: Election Law)
38, K 185
- CACR 11**, relating to the compensation of the legislature. Providing that legislative members receive a payment for each day of legislative attendance and reimbursement for certain necessary expenses. (Bicknell, Rock 1; et al: Legislative Administration)
63, ret 972
- CACR 12**, relating to judicial conduct. Providing that the people of New Hampshire, in a manner established by law, shall be responsible for investigating and evaluating the conduct of members of the judicial branch. (Rowe, Hills 6: Judiciary)
63, K (RC) 492-494
- CACR 13**, relating to prohibiting an income tax. Providing that no tax on personal income shall be levied by the state of New Hampshire. (Mirski, Graf 10; et al: Ways & Means)
64, K (RC) & debate printed 246-254
- CACR 14**, relating to tax money and religious schools or institutions. Providing that the language in article 83 of the second part of the New Hampshire constitution which states that “: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination” shall be deleted from the article. (W. P. Campbell, Straf 3; et al: Education)
68, K (RC) 453-456
- CACR 15**, relating to the use of certain revenues. Providing that revenues raised by a statewide property tax, income tax, or general sales tax be used exclusively to support local public schools. (Mirski, Graf 10: Ways & Means)
68, K 305-306
- CACR 16**, relating to the definition and constitutionality of judicial and legislative acts. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts. (Sorg, Graf 3; et al: Judiciary)
68, K (RC) 494-497
- CACR 17**, relating to the encouragement of literature. Providing that the importance of education to a prosperous and democratic society be considered when allocating the resources of the state. (Carter, Hills 3; et al: Education)
71, SO 460, K (RC) 478-480

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HB 197, decriminalizing marijuana. Question, adopt committee report of inexpedient to legislate. Yeas, 295; Nays, 60	445-448
HB 208-FN, relative to criminal penalties for possession of a firearm in a safe school zone. Question, adopt committee report of inexpedient to legislate. Yeas, 273; Nays, 77	448-450
HB 209-FN, relative to unborn victims of violence. Question, adopt committee report of inexpedient to legislate. Yeas, 212; Nays, 138	392-394
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HB 219, relative to permitting audio and video recording on school buses. Question, lay on table. Yeas, 158; Nays, 154	218-220
HB 222-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system. Question, adopt motion of ought to pass. Yeas, 236; Nays, 98	677-679
HB 238-FN, relative to the use of marijuana for medicinal purposes. Question, adopt majority committee report of inexpedient to legislate. Yeas, 252; Nays, 116	100-102
HB 276, relative to nominations by nomination papers. Question, adopt majority committee report of inexpedient to legislate. Yeas, 239; Nays, 71	220-223
HB 283, relative to the commission to examine all aspects of same sex civil marriage and its legal equivalents. Question, adopt majority committee report of inexpedient to legislate. Yeas, 217; Nays, 133	299-302
HB 285, relative to carrying a concealed weapon without a license. Question, adopt majority committee report of inexpedient to legislate. Yeas, 256; Nays, 97	451-453
HB 289-FN, relative to registration fees for lobbying and lobbyists and requiring registration of employers of lobbyists. Question, adopt majority committee report of inexpedient to legislate. Yeas, 188; Nays, 152	475-477
HB 305, relative to amended warrant articles on official ballots. Question, adopt majority committee report of inexpedient to legislate. Yeas, 231; Nays, 93	535-538
HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds. Question, adopt committee report of inexpedient to legislate. Yeas, 164; Nays, 153	322-324
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HB 354, relative to the review, approval, and adoption of agency rules. Question, pass over governor's veto. Yeas, 203; Nays, 131	965-967
HB 381-FN, relative to special elections, voter lists, and conduct of elections. Question, adopt conference committee report. Yeas, 154; Nays, 175	940-943
HB 399-FN, relative to the Informed Consent for Abortion Act. Question, adopt majority committee report of inexpedient to legislate. Yeas, 207; Nays, 113	223-226
HB 406, revising certain provisions of the home education statutes. Question, adopt majority committee report of ought to pass with amendment. Yeas, 176; Nays, 162	464-467
HB 407-FN-L, relative to licensing of dogs. Question, adopt majority committee report of ought to pass. Yeas, 188; Nays, 159	166-169
HB 419, relative to the Mount Sunapee ski area boundary and lease terms. Question, adopt majority committee report of inexpedient to legislate. Yeas, 202; Nays, 135	540-542

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HB 433-FN-A, relative to planning for public access, recreation, and road management in the Connecticut Lakes headwaters working forest and making an appropriation therefor. Question, adopt conference committee report. Yeas, 96; Nays, 226	943-945
HB 438, relative to emissions requirements for municipal waste combustion units. Question, adopt majority committee report of inexpedient to legislate. Yeas, 188; Nays, 131	243-245
HB 466-FN-A, establishing a research and development tax credit against the business profits tax and the business enterprise tax. Question, adopt committee report of inexpedient to legislate. Yeas, 236; Nays, 124	306-308
HB 513, relative to motor vehicle inspection stations. Question, adopt floor amendment. Yeas, 101; Nays, 224	547-549
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Question, adopt conference committee report. Yeas, 273; Nays, 35	946-948
HB 521, relative to medical insurance coverage for members of the Manchester employees' contributory retirement system. Question, adopt committee report of ought to pass with amendment. Yeas, 281; Nays, 49	316-319
HB 530, relative to an informed jury. Question, adopt majority committee report of ought to pass. Yeas, 118; Nays, 210	499-501
HB 535-FN-A, increasing the tobacco tax. Question, adopt Mirski floor amendment. Yeas, 78; Nays, 284	586-589
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HB 539-FN-A-L, relative to land and community heritage investment program administration. Question, adopt committee report of ought to pass. Yeas, 193; Nays, 148	489-491
HB 555, establishing February 6 as Ronald Reagan Day. Question, adopt committee report of inexpedient to legislate. Yeas, 208; Nays, 136	485-487
HB 604-FN, relative to discounts in electronic toll collection and discontinuing the use of tokens. Question, adopt committee report of ought to pass with amendment. Yeas, 195; Nays, 89	212-214
HB 611-FN, relative to small group insurers. Question, lay on table. Yeas, 139; Nays, 225	435-437
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HB 612-FN, establishing the New Hampshire volunteer elementary teachers and students program. Question, adopt committee report of inexpedient to legislate. Yeas, 233; Nays, 98	259-261
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HB 622-FN-A, establishing an income tax. Question, adopt committee report of inexpedient to legislate. Yeas, 246; Nays, 45	215-217
HB 645-FN, relative to fire-safe cigarettes. Question, adopt committee report of ought to pass. Yeas, 199; Nays, 134	256-258
HB 665-FN-L, relative to the applicable minimum wage for hourly employees. Question, adopt committee report of ought to pass with amendment. Yeas, 197; Nays, 157	524-527
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HB 670-FN-A, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program. Question, adopt majority committee report of ought to pass with amendment. Yeas, 232; Nays, 94	230-232
HB 679-FN-L, authorizing the electronic enforcement of traffic signal violations. Question, adopt committee report of ought to pass. Yeas, 99; Nays, 217	552-554
HB 691-FN-L, relative to the Medicaid program. Question, adopt majority committee report of ought to pass with amendment. Yeas, 183; Nays, 178	414-416
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HB 702-FN, relative to the screening of medical malpractice claims. Question, lay on table. Yeas, 43; Nays, 265	508-510
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HB 705, relative to passenger restraints. Question, adopt committee report of inexpedient to legislate. Yeas, 180; Nays, 124	554-556
HB 721, prohibiting the department of education and the state board of education from adopting a definition of an adequate education. Question, adopt majority committee report of ought to pass with amendment. Yeas, 243; Nays, 106	467-470
HCR 1, urging Congress to withdraw the United States from the United Nations. Question, adopt majority committee report of inexpedient to legislate. Yeas, 240; Nays, 106	135-137
SB 11-FN, extending the local property tax exemption for wooden poles and conduits. Question, adopt majority committee report of ought to pass. Yeas, 255; Nays, 109	752-755
SB 20-FN, relative to an increase in lottery ticket prices. Question, adopt committee report of ought to pass. Yeas, 196; Nays, 154	718-720
SB 28, relative to confidentiality and workers' compensation. Question, adopt conference committee report. Yeas, 249; Nays, 96	926-928
SB 30, establishing a Collaborative Practice for Emergency Contraception Act. Question, adopt floor amendment. Yeas, 141; Nays, 225	741-744
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SB 36-FN, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund. Question, adopt committee amendment. Yeas, 134; Nays, 178	826-828
SB 63-FN-A, establishing a court mediation fund to pay the costs of a mediation program in the district courts. Question, adopt majority committee report of ought to pass. Yeas, 206; Nays, 144	711-713
Question, adopt majority committee report of ought to pass. Yeas, 164; Nays, 119	884-886
SB 75-FN, relative to the statute of limitations for a civil actions based upon a sexual assault case. Question, adopt committee report of ought to pass with amendment. Yeas, 319; Nays, 30	714-716
SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision. Question, adopt committee amendment. Yeas, 162; Nays, 135	880-882
SB 125-FN, repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism. Question, adopt minority amendment. Yeas, 151; Nays, 217	841-843
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SB 146-FN-A-L, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices. Question, adopt committee report of ought to pass. Yeas, 226; Nays, 131	834-837
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SB 170, revising the nurse practice act. Question, lay on table. Yeas, 87; Nays, 273	854-857

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SB 182-FN, relative to the electronic issuance of warrants. Question, adopt committee report of ought to pass. Yeas, 229; Nays, 119	695-697
SB 195, relative to the effective date of the law requiring the elimination of certain substances from gasoline supplies and removing a certain requirement relative to opting out of the reformulated gasoline program. Question, adopt committee report of inexpedient to legislate. Yeas, 287; Nays, 64	698-700
SB 196, requiring a hearing when medical malpractice insurance rates change. Question, adopt committee report of inexpedient to legislate. Yeas, 263; Nays, 88	857-859
SB 214, relative to screening panels for medical injury claims. Question, adopt majority amendment. Yeas, 135; Nays, 212	867-869
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SB 228-FN-A, making an appropriation for emergency home heating assistance. Question, adopt motion of ought to pass. Yeas, 332; Nays, 4	962-964
CACR 1, relating to taxation. Providing that the maximum increase in any budget bill in the state or its political subdivisions shall be limited by the rates of inflation and population growth unless overridden. Question, adopt committee report of inexpedient to legislate. Yeas, 251; Nays, 72	319-321
CACR 2, relating to the appointment of judges. Providing that judges shall be appointed to 5-year terms of office which may be renewed. Question, adopt committee report of inexpedient to legislate. Yeas, 315; Nays, 37	162-165
CACR 4, relating to taxation. Providing that a 3/5 vote is required to pass a new tax or to increase a tax after it is levied. Question, adopt majority committee report of inexpedient to legislate. Yeas, 286; Nays, 65	109-112
CACR 9, relating to taxation. Providing that a 2/3 vote is required to pass a new tax or to increase a tax after it is levied and that the maximum increase in any budget bill shall be limited by the rates of inflation and population growth. Question, adopt majority committee report of inexpedient to legislate. Yeas, 298; Nays, 53	112-115
CACR 12, relating to judicial conduct. Providing that the people of New Hampshire, in a manner established by law, shall be responsible for investigating and evaluating the conduct of members of the judicial branch. Question, adopt committee report of ought to pass. Yeas, 160; Nays, 181	492-494
CACR 13, relating to prohibiting an income tax. Providing that no tax on personal income shall be levied by the state of New Hampshire. Question, adopt majority committee report of inexpedient to legislate. Yeas, 220; Nays, 103	246-249
CACR 14, relating to tax money and religious schools or institutions. Providing that the language in article 83 of the second part of the New Hampshire constitution which states that "provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination" shall be deleted from the article. Question, adopt majority committee report of inexpedient to legislate. Yeas, 225; Nays, 123	454-456
CACR 16, relating to the definition and constitutionality of judicial and legislative acts. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts. Question, adopt majority committee report of inexpedient to legislate. Yeas, 259; Nays, 67	495-497
CACR 17, relating to the encouragement of literature. Providing that the importance of education to a prosperous and democratic society be considered when allocating the resources of the state. Question, adopt majority committee report of inexpedient to legislate. Yeas, 185; Nays, 162	478-480
CACR 19, relating to representation in cities and towns whose population is equal to, or greater than, the minimum number of persons per house district. Providing that a city or town shall have at least one representative from the city or town if its population is equal to or greater than the apportionment figure for house districts. Question, adopt committee report of inexpedient to legislate. Yeas, 244; Nays, 101	314-316

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